

March 18, 2008



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Michael Knapp, President
Councilmember Roger Berliner
Councilmember Valerie Ervin
Councilmember George Leventhal

Councilmember Phil Andrews, Vice-President
Councilmember Marc Elrich
Councilmember Nancy Floreen
Councilmember Duchy Trachtenberg



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1 Council President Knapp,

2 Good morning everyone. It is now Tuesday, March 18th and I would ask you all to
3 please rise and join me in welcoming Rabbi Mark Raphael for the invocation. Welcome.
4

5 Rabbi Mark Raphael,

6 Later this week Jews will be observing the minor holiday of Purim. We celebrate the
7 events found in the Bible in the book of Esther. Former members of the attempt of an
8 anti-Semite, Haman, to use the power of the Persian Empire almost 2,400 years ago to
9 destroy the Jewish people. Fortunately a beautiful young woman Esther, who was in the
10 right place at the right time, foiled the plot and saved her people. This Thursday night
11 and Friday, Jews will gather to read the book of Esther. It's one of the most joyous
12 holidays of the year. Almost everyone dresses in costumes, drinking of alcoholic
13 beverages is customary, as long as you have a designated driver. It's the original Mardi
14 Gras. Every time the villain in this story, Haman, is mentioned, it is drowned out with
15 various kinds of noisemakers. Along with the mandated holiday meal and the special
16 food called Hamantashen, a pastry filled with fruit or with chocolate, there are two other
17 major observances of this festival. We send packages of foods to friends or family. In
18 this way we share the joy of the holiday for those for whom we care. We also always
19 give – charity to the poor. On occasions of great joy, we try to remember those who are
20 less fortunate than ourselves. Beside possibly coming to a Purim celebration and having
21 a great time, what relevance could this possibly have for the business of Montgomery
22 County? One of the oddities of the book of Esther, is the only book in the Hebrew
23 scriptures that has no mention of God. The name never appears in the volume. We
24 understand this, certainly living in modern times, and true for the last 2,000 years, in the
25 Jewish mind, that God does not appear and perform miracles anymore. Instead God's
26 hands are unseen. We, human beings, are God's hands in the real world. Knowing most
27 of you, by conversation, we do strive to achieve this work of doing God's work within
28 Montgomery County. Our County government is a process of values, of setting
29 priorities, of striving for the public good. Good government is God's work in the real
30 world. And as we work, obviously, on the budget, you made the front page of the Post
31 again today, we strive to use all of our resources to guarantee that the working of this
32 County is always for the public good. Interesting, quoting from the blog of the Council
33 President yesterday, as we enter into March Madness now, we pray at this occasion
34 that the madness of the sports world will not be reflected in the good government of
35 Montgomery County and that as we go through the process of achieving of a true
36 budget for the well being of this County that the joys of our seasons of Purim, rejoicing
37 of Easter will fill us with wisdom, with courage, and with insight to do God's work in this
38 world. Amen.
39

40 Council President Knapp,

41 While we're still standing, Councilmember Berliner has a point of personal privilege.
42

43 Councilmember Berliner,



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1 Thank you Council President. Last week America lost one of the true giants to have
2 ever served in the United States Senate, Senator Howard Metzenbaum, a man I was
3 privileged to serve. Senator Metzenbaum was a legendary fighter for consumers, civil
4 rights, working men and women, and progressive causes too numerous to list. As Vice-
5 President Gore observed at his funeral on Sunday, his tenacity did not always endear
6 him to all of his colleagues but he was respected by them all. In his own words, I've
7 proven that one person who is resolute in his or her position can make a difference and
8 that you don't have to go along to get along. Millions of Americans and countless
9 Montgomery County residents are better off today because of the difference that
10 Howard Metzenbaum made in their lives. Thank you Howard Metzenbaum.

11
12 Council President Knapp,
13 Thank you all. Thank you Rabbi. General Business, Ms. Lauer.

14
15 Linda Lauer,
16 Thursday's committee meetings, Public Safety in the morning is cancelled and
17 Education Committee in the afternoon is cancelled, therefore, T&E and MFP will all
18 meet up in the seventh floor hearing room. Those are the changes that we have and we
19 did get one Petition. We have a Petition supporting an addition to Sherwood Elementary
20 School. That's it.

21
22 Council President Knapp,
23 Great. Thank you very much. Madam Clerk, Minutes to approve.

24
25 Council Clerk,
26 Yes, the Minutes of March 4, 2008.

27
28 Council President Knapp,
29 Is there a motion?

30
31 Councilmember Trachtenberg,
32 So moved.

33
34 Council President Knapp,
35 Moved by Councilmember Trachtenberg.

36
37 Councilmember Ervin,
38 Second.

39
40 Council President Knapp,
41 Seconded by Councilmember Ervin. All in favor of the Minutes of March 4, please raise
42 your hand by indicating. That is unanimous among those present. Thank you very
43 much. I would also note at the very beginning of our session that Councilmember Elrich
44 is still not feeling well but hopes to try to be joining us this afternoon for our session so



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1 our thoughts are with him as he tries to get a little bit better. We now have before us the
2 Consent Calendar. Is there a motion?

3
4 Councilmember Trachtenberg,
5 So moved.

6
7 Council President Knapp,
8 Moved by Councilmember Trachtenberg. Seconded by Councilmember Leventhal. I see
9 a couple questions. Councilmember Leventhal.

10
11 Councilmember Leventhal,
12 Thank you Mr. President. I wanted to just make a brief couple of remarks about the
13 appointment of the Forest Conservation Advisory Committee. I want to thank our Chair
14 of the T&E Committee, Chairwoman Floreen who has convened two very thoughtful and
15 helpful discussions of the Forest Conservation Law that the Planning Board sent over
16 here. Unfortunately it's taken a little bit of time for this citizen committee that we
17 confirmed today to assemble. Several of its members also served on a forest
18 conservation taskforce which submitted a set of recommendations which were not
19 statutory. The recommendations had to do with better implementation, administrative
20 implementation of the Forest Conservation Law that's already on the books. And we
21 had an excellent discussion in yesterday's Committee meeting at which Caren Madsen,
22 who's known to many of the civic activists, stated that in this forest conservation task
23 force, they had achieved significant consensus between points of view that some may
24 think of as opposed, those who are very active in preserving trees and those who are
25 involved in building homes, and Caren Madsen correctly pointed out in that discussion
26 yesterday that a forested lot and a treed lot is more valuable and that those who build
27 and ultimately sell homes have every interest in maintaining trees on lots because it
28 adds value to the home and she stated how, although it took some time, consensus was
29 possible among the different interest groups on the forest conservation taskforce. As we
30 now appoint the Forest Conservation Advisory Committee, I, and I'm very, my thoughts
31 are with Councilman Elrich, I hope his health improves, I know that he is a champion of
32 citizen input and I would hope that we could get the input of this new advisory
33 Committee before we take final action or make final recommendations on the Forest
34 Conservation Law. I think it's going to be feasible to do that if this Committee is, and
35 handled quickly. The members are well informed on the issues and I would think that we
36 could get, at least ask for some effort to build consensus on how to modify the Forest
37 Conservation Law and ask this new Committee to do that. So, the Chairwoman, Ms.
38 Floreen, has moved expeditiously on this legislation, but my hope is that we could
39 provide ourselves with a reasonable opportunity for this new Committee that we appoint
40 today to give us its thoughtful input and in the hope of building the kind of consensus
41 that Ms. Madsen mentioned yesterday.

42
43 Council President Knapp,
44 Great. Thank you Mr. Leventhal. Councilmember Floreen.



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Councilmember Floreen,

Thank you. Well, Mr. Leventhal sort of stole my thunder, but I am very pleased that we finally do have this group assembled so that we can get you cracking Caren on the Forest Conservation.

Councilmember Leventhal,

I didn't even know you were in the audience Caren.

Councilmember Floreen,

Yes.

Councilmember Leventhal,

How about that? Good to see you. Yeah. Great.

Councilmember Floreen,

We have been very lucky to have very dedicated community members engaged in all the forest and tree preservation initiatives and, as I, as we told Mr. Hoyt yesterday, we will be expecting their contribution and active engagement in the resolution of the legislation that we have before us that we will be taking up again in June. The Water Quality Group is also very interested in this as well. And so we should have a good coordinated contribution from very invested stakeholders in this when we get to this and when it finally comes to the full Council this summer as I would anticipate we should have resolved most of the concerns that we've heard from every side of the table including clarity as to enforcement initiatives and clarity as to what the rules really are. So I do thank the County Executive and Council President for getting this on our agenda so that we could approve it. And the other item on the agenda was on number A, which is Action on the Enterprise Zone for the City of Gaithersburg Olde Towne-Central Business District. I think this is a great initiative. This is going to support some really tremendous investment in a portion of Montgomery County that truly needs it and there's a real tribute to the creativity of the players here and the city to, that they have been able to figure out a way and bring this to us for our endorsement. So I compliment the City of Gaithersburg and the private sector that have been so, worked so hard on this.

Council President Knapp,

Thank you Councilmember Floreen. Councilmember Andrews, Council Vice-President Andrews.

Councilmember Andrews,

Thank you Council President Knapp. I also want to speak on item A and say that I'm glad to see this moving forward. I think the city, Olde Towne Center does need a boost and I think this will help provide it. The Enterprise Zone has been successful in helping to spur desired redevelopment in downtown Silver Spring and I think it will have the



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1 same effect in Wheaton and I believe it will have the same effect in Gaithersburg.
2 Gaithersburg needs to get its application to the state by mid-April in order to qualify for
3 the program, at least this year, and I know they are anxious to do that. So, I'm pleased
4 that the PHED Committee is recommending approval and I will enthusiastically support
5 it.

6
7 Council President Knapp,

8 Thank you Council Vice-President Andrews. I would just make one other comment,
9 adding on Councilmember Leventhal and Councilmember Floreen's comments on the
10 Forest Conservation. I'm very pleased that we have the advisory committee in place
11 and I look forward to getting their input. I think that's going to be very critical to our
12 analysis of the legislation before us. One of the pieces I would also like to try and look
13 at, I think we will have legislation coming back to add an additional position to it is,
14 looking at the large lot landowners, looking at the list that's here, that seemed to be
15 something that was absent but certainly impacts a large portion of the County and so I
16 think there will be some legislation coming back in the next couple of weeks that will add
17 one additional member to this, looking at that perspective as well to make sure that
18 we've got, given the magnitude of what we're looking at in the proposed legislation to
19 make sure we've got all of the various perspectives at the table. And so, that was one of
20 the things we're trying to go back and forth on which delayed this a little bit, but we'll
21 have legislation in the next week or two to address that additional person. So, with that,
22 we have before us the Consent Calendar. All in support of the Consent Calendar,
23 indicate by raising your hand. That is unanimous among those present. Thank you very
24 much. We now turn to Legislative Session, day number nine, Approval of Legislative
25 Journal, Madam Clerk.

26
27 Council Clerk,

28 Yes, the Legislative Journal of March 4, 2008.

29
30 Council President Knapp,

31 Is there a motion? Moved by Councilmember Ervin, seconded by Councilmember
32 Trachtenberg. All in support of the Legislative Journal indicate by saying, raising your
33 hand. That is unanimous among those present. Thank you. Call of Bills for Final
34 Reading, we have Expedited Bill 1-08, Personnel - Disability Retirement - Group F and
35 G. Chair of the MFP Committee, Councilmember Trachtenberg.

36
37 Councilmember Trachtenberg,

38 Thank you President Knapp. Expedited Bill 1-08 Personnel - Disability Retirement is
39 sponsored by the Council President at the request of the County Executive. We did
40 have an MFP worksession on this bill back on March 6 of this year and there was a
41 positive recommendation 3-0 from the Committee to advance the bill as introduced and
42 basically, this is very much a housekeeping measure. It would require the County to pay
43 a Group G member who retires on a service connected disability, retirement between
44 June 26, 2002 and June 30, 2007 a pension based on average final earnings if it results



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1 in a greater benefit than the final earnings and it also requires the County to pay a
2 Group F member who retires on a service connected disability pension on or after June
3 26, 2002 a pension based, again, on an average final earnings if the results are greater
4 in benefit than the final earnings or the benefit that the member would otherwise receive
5 under the County Code.

6
7 Council President Knapp,
8 Very good. I see no questions. All in support of the Committee recommendation.
9 Actually we have a roll call vote. Madam Clerk, if you would call the roll.

10
11 Council Clerk,
12 Ms. Floreen.

13
14 Councilmember Floreen,
15 Yes.

16
17 Council Clerk,
18 Ms. Trachtenberg.

19
20 Councilmember Trachtenberg,
21 Yes.

22
23 Council Clerk,
24 Mr. Leventhal.

25
26 Councilmember Leventhal,
27 Yes.

28
29 Council Clerk,
30 Ms. Ervin.

31
32 Councilmember Ervin,
33 Yes.

34
35 Council Clerk,
36 Mr. Berliner.

37
38 Councilmember Berliner,
39 Yes.

40
41 Council Clerk,
42 Mr. Andrews.

43
44 Councilmember Andrews,



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1 Yes.

2
3 Council Clerk,
4 And Mr. Knapp.

5
6 Council President Knapp,
7 Yes. The motion carries. Thank you very much MFP Committee. Okay. We now turn to
8 District Council Session. We have before us Introduction of Zoning Text Amendment
9 08-04, Accessory Structures - Solar Panels sponsored by Councilmember Berliner. We
10 have a resolution to establish a public hearing for April 22nd at 1:30 p.m. Is there a
11 motion?

12
13 Councilmember Trachtenberg,
14 So moved.

15
16 Council President Knapp,
17 Moved by Councilmember Trachtenberg.

18
19 Councilmember Ervin,
20 Second.

21
22 Council President Knapp,
23 Seconded by Councilmember Ervin. Mr. Berliner.

24
25 Councilmember Berliner,
26 Thank you, Council President. This legislation is necessary to fix an anomaly in our
27 current law which precludes homeowners from placing solar panels on their side yard.
28 By correcting this flaw, the County will be encouraging solar by providing more flexibility
29 in citing decisions while still providing ample protection for neighbors. Given our
30 County's commitment to renewable energy, it is my hope that this noncontroversial
31 reform will be part and parcel of the package of bills the Council takes up on Earth Day.

32
33 Council President Knapp,
34 Very good. Thank you. Councilmember Berliner. Councilmember Trachtenberg.

35
36 Councilmember Trachtenberg,
37 I wanted to alert Councilmember Berliner to the fact that I would like to be a sponsor on
38 the bill.

39
40 Councilmember Berliner,
41 I would be delighted to have you.

42
43 Council President Knapp,
44 Very good. Without objection. Councilmember Floreen.



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Councilmember Floreen,
Yes. I just had a question. What is a solar panel? Is it defined somewhere in the code?

Councilmember Berliner,
It actually is a structure. I will do this right, and Jeff may be able to help me here, but it, we are actually defining, permitting a particular structure. In this instance we're.

Councilmember Floreen,
Right. I know, but what is it? Providing a structure. Is it.

Jeff Zyontz,
Photovoltaic.

Councilmember Floreen,
Panel.

Jeff Zyontz,
As opposed to hot water heat as well. So it is for the production of electric energy from solar power.

Councilmember Floreen,
Is it a big thing? Is it a little thing?

Jeff Zyontz,
Generally, they are in panels of about eight foot by four foot and they can be on structures of any height, this limits it to a maximum of 20 feet in height.

Councilmember Floreen,
Okay.

Councilmember Berliner,
You do not want anything towering over neighbors, that is why we put a limitation of 20 feet in it.

Councilmember Floreen,
Well, I just, I took a peek at this and I thought that was interesting. I would, my only query was why you would not be more generous in the provision of the availability of that opportunity. And that's why I wondered what it actually physically looked like. So, do you need to define what a solar panel is?

Jeff Zyontz,
No. And in fact, that is what a, individual panel is on a production level now. It could be more than one panel.



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Councilmember Floreen,
We will talk about that later I guess.

Jeff Zyontz,
Right.

Councilmember Floreen,
Okay. Thanks.

Council President Knapp,
Okay. We have before us, I see no more questions, no more discussion, a resolution to establish a public hearing. All in support indicate by raising your hand. That is unanimous. Thank you very much. We now have Action Consideration of Hearing Examiner's Report and Recommendation, Application number G-866, National Labor College. Ms. Carrier.

Francoise Carrier,
Hello. This application comes to you with recommendations of approval from the Planning Board and technical staff and myself. It a small portion of the property owned by the National Labor College, formerly the George Meany Center for Labor Studies, which is at the, on New Hampshire Avenue, at the corner of New Hampshire and Powder Mill and they would like to rezone it to the OM and sell it to Chevy Chase Bank for a bank branch. I'll be happy to take any questions.

Council President Knapp,
Councilmember Ervin.

Councilmember Ervin,
Yes, Council President, I have to abstain from this vote. I worked at the Labor College for almost nine years so I won't be able to vote on this.

Council President Knapp,
Councilmember Floreen, do you have a question?

Councilmember Floreen,
Oh, no.

Council President Knapp,
Okay. We need a motion. Okay.

Councilmember Leventhal,
I move to approve the Hearing Examiner's Recommendation Mr. President.



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1 Council President Knapp,
2 Moved by Councilmember Leventhal.

3
4 Councilmember Floreen,
5 Second.

6
7 Council President Knapp,
8 Seconded by Councilmember Floreen. Madam Clerk, please call the roll.

9
10 Council Clerk,
11 Ms. Floreen.

12
13 Councilmember Floreen,
14 Yes.

15
16 Council Clerk,
17 Ms. Trachtenberg.

18
19 Councilmember Trachtenberg,
20 Yes.

21
22 Council Clerk,
23 Mr. Leventhal.

24
25 Councilmember Leventhal,
26 Yes.

27
28 Council Clerk,
29 Mr. Berliner.

30
31 Councilmember Berliner,
32 Yes.

33
34 Council Clerk,
35 Mr. Andrews.

36
37 Councilmember Andrews,
38 Yes.

39
40 Council Clerk,
41 And Mr. Knapp.

42
43 Council President Knapp,



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1 Yes. The motion carries. Thank you all very much. We now turn to the Status Report of
2 the FY09-14 Capital Improvements Program. Dr. Orlin. I saw no pretty pictures in this
3 one. We have no train wrecks. But we are not necessarily getting any better.

4
5 Glenn Orlin,

6 No. In fact, we are working in the wrong direction. [laughter]. Last week, the Council's
7 action through last Tuesday, before last Tuesday, essentially we were \$268 million in
8 arrears on GO bonds. Now the Council is at \$290 million. The \$290 million is bigger
9 than the entire six-year reserve. It is still of course much bigger than last for week for
10 fiscal years '10 , '11 and '12. Otherwise, things haven't changed much.

11
12 Council President Knapp,

13 Any questions for Dr. Orlin? Okay. Once we conclude today, what I, the final Committee
14 discussions, I hope to lay out a game plan for the next couple of weeks for everyone's
15 consideration as to how we proceed to actually get to an initial reconciliation which gets
16 to be to the more manageable number which will then certainly hold until we get to May
17 and we look at this in the context of the broader operating budget. So we will discuss
18 that at the conclusion of our afternoon session today before we go. Okay. Thank you Dr.
19 Orlin. Okay. I now turn to the Council Vice-President and Public Safety Committee Chair
20 to walk us through the Public Safety Capital Improvements Programs.

21
22 Councilmember Andrews,
23 Okay.

24
25 Council President Knapp,
26 Beginning with the Judicial Center Annex.

27
28 Councilmember Andrews,
29 Alright. Thank you Mr. President. I think that we might want to go out of order because I
30 don't think Judge Harrington, we are a little ahead of schedule.

31
32 Council President Knapp,
33 Okay.

34
35 Councilmember Andrews,
36 I don't think Judge Harrington is here yet. So, here is Linda. Why don't we start with the
37 Police Department. I have Drew Tracy here who can represent for the Police
38 Department. We may interrupt and go back to the Judge when she gets here, but we
39 are a few minutes ahead. So, let's start with item 9, which is the Capital Improvements
40 Program for MCPD which includes the Animal Shelter and we may be having a few
41 other folks join us as well. Come on up, Hamid. Alright. If we have questions that people
42 need to answer who aren't here yet, we will come back to it. But let me just make a
43 couple of opening comments about the Public Safety Capital Program. Come on up,
44 Neil. We have about roughly two dozen capital projects and a few much smaller ones



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1 but two dozen major capital projects in the Public Safety budgets. Some are ready to
2 go. A couple are under construction such as the West Germantown Fire Station. East
3 Germantown will be coming along, Takoma Park is moving along very close. We are
4 ready to go. We are very close to being ready to go with the Detention Center Reuse
5 which we'll get to in a little bit when we talk about corrections. We are moving along
6 towards the 6th District Police Station and we want to get updated on that in terms of
7 timing there. And we are getting close on the Animal Shelter as well which is needed to
8 replace the current outdated facility on Gude Drive. There is a lot going on in the Public
9 Safety area. I think you'll have a real good sense of that as we go through this packet.
10 Let me first see if Linda McMillan wants to make a couple overview comments. Linda's
11 done a great job as usual with her work on the Public Safety budgets.

12
13 Linda McMillan,

14 I think you do have a few projects now that are really coming to fruition. We've had a lot
15 of things in Public Safety that have been in the planning and design stages for quite
16 some time. Later, you will also talk about the whole PSTA county properties study which
17 leaves some doors open for a few things to change related to Police Department and
18 Fire and Rescue Services. But there are going to be a couple of major projects that are
19 ready to go to construction. We just need to make sure we are on target with those and
20 have provided the resources.

21
22 Councilmember Andrews,

23 Okay. That is very true. Alright. Well we have a table full of people in front of us. Let's
24 have them introduce themselves for people watching and listening in. Go ahead.

25
26 Al Roshdiah,

27 Al Roshdiah, Deputy Director for the Department of Public Works and Transportation.

28
29 Hamid Omidvar,

30 Hamid Omidvar , Chief of Design, DPWT.

31
32 Drew Tracy,

33 Drew Tracy, Assistant Chief of Police.

34
35 Tom Manger,

36 Tom Manger, Police Chief.

37
38 Neil Shorb,

39 Neil Shorb, Management and Budget Police.

40
41 Jackie Carter,

42 Jackie Carter, Manager, Office of Management and Budget.

43
44 Councilmember Andrews,



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1 Good morning everybody. Alright. Well, looking, starting with packet nine which is the
2 MCPD packet for Capital Improvements, the first item that is in the packet the
3 Committee dealt with is the new Animal Shelter which the Committee is recommending
4 for approval to the Council and recommending that five and a half million dollars be
5 added to the PDF in order to reflect the updated costs for the project. The County only
6 has one Animal Shelter. This is likely to be the only Animal Shelter we will build in the
7 next 30-40 years. It is especially important to get this right from the start. It is going to
8 be built out the, near the intersection of Muncaster Mill and Airpark Drive. It has been
9 redesigned to reduce the footprint. It is in a Special Protection Area. It brings it down to
10 an impervious surface of about six and a half to seven percent. It also has been
11 redesigned to reflect best practices for promoting the adoption of animals which is the
12 major, one of the major purposes of the facility. We are doing a good job in that area.
13 We have seen improvements in the adoption rate up to around, over 70% now which is
14 very good. We would like to push that up higher. The Animal Shelter, Animal Services is
15 part of the Police Department. The current facility has inadequate space, it has a
16 leaking roof, it has inadequate HVAC system, it's, in short, deteriorating rapidly and not
17 a, really a marginally safe place to work and inadequate for its purpose. So, it is
18 important and this has been a concern of the County for a number of years now to get
19 this moving. We are at the point where we are ready to get started on it. The schedule
20 of it is that it would be under construction and completed around the end, if I recall, of
21 fiscal year '09 or early fiscal year '10. It is moving into '10. Alright. But it's close. In terms
22 of some specifics, the Council supported some features, the Committee recommended
23 some features that will have payback over a period time in terms of energy
24 conservation, a geothermal HVAC component that have a payback of six to eight years,
25 a solar hot water system that will pay back in about 17 years. We rejected a
26 photovoltaic system that would have cost about \$650,000 that was projected to have a
27 payback of about 35 years, we thought that was just too long to justify it. And so, with
28 that, let me see if there are questions about the proposal on the Animal Shelter, which,
29 total of which would be \$18.7 million. I don't see any. Okay. Alright. Moving on.

30
31 Council President Knapp,
32 We did good work in the Committee. I like that.

33
34 Councilmember Andrews,
35 Alright. Good. We are moving on now to the First District Station.

36
37 Councilmember Berliner,
38 Could I just make one observation?

39
40 Councilmember Andrews,
41 Sure.

42
43 Councilmember Berliner,



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1 Which is, that it is my hope and we've had this conservation before with other members
2 of the administration that we develop, as a part our climate change initiative, a cost
3 benefit ratio that actually includes the external costs associated with our emissions.
4 Right now, all of our cost benefit analysis is solely related to the cost of energy which is
5 not insignificant in and of itself but if you add to that the cost to our society and the
6 external costs with respect to pollution as an add on, which many jurisdictions are
7 beginning to do in their cost benefit analysis, you would find that that 35 year payback
8 would have been reduced significantly. I don't propose that in this instance, but I believe
9 that it is precisely because of the conclusions you drew from that payback period that I
10 think we need to revisit that question on a broader level.

11
12 Linda McMillan,

13 And I would just say Mr. Elrich had suggested and the Committee agreed that, had
14 asked DPWT to look and see whether they could still sort of plan for connections in the
15 building. And that way, if the costs of systems came down, which people expect it might
16 dramatically reduce in the next few years, we could go back and retrofit that system into
17 the building.

18
19 Councilmember Andrews,

20 Alright. Thank you. Alright. Next is the First District Station which is the Rockville District
21 Station. There is a small amount in the PDF currently for this. This is part of a proposal
22 to include the relocation of this station with a consolidation of Public Safety functions at
23 the GE Tech site in Gaithersburg. We will get to that proposal a little bit later, but in the
24 interim, we thought we should simply leave this as proposed. We will have a better idea
25 once a decision is made about any relocation to the Darnestown Road site. So, the First
26 District Station is 45 years old now and it is not adequate for its purpose and so it needs
27 to be addressed. It may be addressed through the relocation proposal. So at this point,
28 we recommend just continuing the current PDF, which has some money for planning
29 and design. The Second District Station, which is in Bethesda, was built in 1961 so it is
30 now 47 years old. Some of the same issues regarding the other older stations. This has
31 problems with HVAC or the air conditioning and with mold growing in the locker rooms.
32 It is on an expensive piece of property which creates the possibility that it might be
33 possible to work out a partnership with a private developer to relocate this station and in
34 exchange, receive a significant contribution toward the construction cost of building a
35 new station. The Department plans to go out with a request for expressions of interest
36 on this project and given that, the Committee is recommending continuing the current
37 PDF which shows about \$1 million in for planning and design to encourage that process
38 to go forward because we are, it would be difficult to, it would be very expensive to
39 afford to build a brand new station without recouping a good amount from this current
40 piece of land. I see Councilmember Berliner has a question.

41
42 Councilmember Berliner,

43 Just a question for the Chairman. Have we explored in looking at these facilities and the
44 land that the County owns co- locating affordable housing, for example, so that if we



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1 were to rebuild this facility, that we would be able to rebuild it with affordable housing on
2 top of it? I'm one of those that believe that if we don't take advantage of the land and the
3 places that the County owns in certain areas, that this would be the place for co-
4 locating. I don't know if that has been explored and if so what the conclusions have
5 been with respect to that.

6
7 Councilmember Andrews,
8 Let's ask the Executive Branch that one.

9
10 Al Roshdieh,
11 Yes, Mr. Berliner, actually the RPF or the expression of interest that we are circling for
12 comments right now among the staff does include requests for affordable housing from
13 the proposers. So that is, you know, it's thought about.

14
15 Councilmember Berliner,
16 That's a good thing.

17
18 Councilmember Andrews,
19 Thank you very much for that response and keep us posted on how the process goes
20 on the request for expressions for interest and what kind of response you get. The Third
21 District Station is the station that serves the Silver Spring District. A site has been
22 identified for the new station near New Hampshire and Route 29. The plan is to acquire
23 that property. An architect and engineering firm has been selected. That is where it
24 starts, stays, is at this point. The CIP does not have construction funding in it at this
25 point, which is expected to be around \$20 million total for the project. This is a station
26 that was also built in the late '50s or early '60s. It would be a more central location for
27 the District as a whole. Downtown Silver Spring Satellite Station will continue to be in
28 the downtown area. But this has been under work for some time. I think it might be
29 worth getting the latest update from the Executive Branch as to their sense of the timing
30 on acquisition of this property.

31
32 Hamid Omidvar,
33 The report I got from the acquisition was they are getting very close. It looks like, I'm
34 going to say any day, but any, in the next couple of weeks or three weeks we may
35 actually get it but we will keep you posted.

36
37 Councilmember Andrews,
38 Okay. Please do and I would say that once we have that kind of information, we may
39 want to come back next year with an amendment on this. Councilmember Leventhal.

40
41 Councilmember Leventhal,
42 Is this the same site that we were talking about when we were discussing the Housing
43 Initiative Fund and purchase of the property with ALARF money?
44



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1 Linda McMillan,
2 Yes it is.

3
4 Councilmember Leventhal,
5 Same site. How large is the site? I guess the PDF would tell me that.

6
7 Hamid Omidvar,
8 My recollection is about 12 point something acres.

9
10 Councilmember Leventhal,
11 And how many acres do the police need?

12
13 Hamid Omidvar,
14 About four to five.

15
16 Councilmember Leventhal,
17 Thank you.

18
19 Councilmember Andrews,
20 Thank you. Alright. If there are no other questions on the Third District, we will move on
21 to the Fifth District which is the Germantown District. This was, there is a need to
22 increase the size of the Fifth District Station. It should be noted, I think, that the Fifth
23 District Station is the newest of the five current stations other than the interim station
24 that is being used for the Sixth District, which we are working to replace and construct
25 just up the street at Watkins Mill and 355. I was at the MFP meeting next door to this
26 when the Committee took this particular station up. It has been recommended as a new
27 project that would have planning and design in the later years of the CIP, FY11 through
28 FY14. I think this is a close call as to whether this needs to be added to the CIP at this
29 time given the other projects that are, other stations that are older that are also going to
30 need to be addressed and arguably sooner. There is a space issue with the Fifth
31 District. I am hopeful that the construction of the new Sixth District Station will help
32 alleviate some of the pressure that's been on the Fifth District given the growth in the
33 Up County but also given the larger Sixth District Station which will be constructed fairly
34 soon to replace the smaller interim Sixth District Station. Linda, our staff had
35 recommended, I believe, that this not be included in the CIP. I could support that. The
36 Committee voted 2-0 to keep it as proposed as outlined on page eight of the CIP.

37
38 Council President Knapp,
39 I have a question if I could. Just going through and looking back at these numbers
40 again, and I hadn't captured this when we did this in the Committee, the, if you look at
41 what we've got in for planning and design for the First, Second, and Third Districts, all of
42 which are supposed to happen more quickly, we actually have less, we have less
43 money in planning and design for the three of them than we do for the Fifth District,
44 which is two years further out. Why would we be putting more money there as opposed



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1 to looking at, is it just a fiscal capacity issue? If you look at it, Second District, we've got
2 \$1.2 million set in there, First District, we've got \$1.2, and then the Fifth District which
3 we don't even look at starting until FY11, we've got almost \$3 million recommended. It
4 just seems you would want to have more money in the ones you want to do sooner as
5 opposed to the one that we're going to do further out. Everybody wants to answer that.

6
7 Hamid Omidvar,

8 I know that the numbers that we provided are based on a schedule, expenditure. I have
9 to go back and work with OMB and find out what the exactly are the details between the
10 two projects.

11
12 Linda McMillan,

13 Well, I can tell you what I was told when I asked the question.

14
15 Council President Knapp,

16 Okay.

17
18 Linda McMillan,

19 If you look at actually the Sixth District Station, which is the most fully programmed of
20 your stations.

21
22 Council President Knapp,

23 Right.

24
25 Linda McMillan,

26 You will see there is about \$2 million for planning and design and supervision across
27 that project. It is scheduled to start. And I was told that the Fifth District Station, because
28 it starts so much later, had been given inflation to the mid-point of construction and that
29 was the reason for the higher expected overall construction costs, which then drives the
30 percentage that goes into PD&S up to the higher amount than you have, for example,
31 for the Sixth District. So, the Sixth District PDF which is on circle 20 is probably one of
32 your best ones to look at because it is the most fully programmed in the CIP. It is a \$20
33 million station with \$2 million in PD&S.

34
35 Council President Knapp,

36 Right, but then wouldn't that argue for having more money for planning and design for
37 the First, Second, and Third Districts?

38
39 Linda McMillan,

40 Well I think that those numbers are less clear.

41
42 Jackie Carter,

43 I think the numbers carried over from the prior year CIP for the First, for the, other than
44 the Fifth District and they were just straight planning and design, Hamid. I think the Fifth



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1 District may include some of your construction supervision amounts in the later years so
2 that's.

3
4 Linda McMillan,
5 The 4th year would be construction supervision.

6
7 Jackie Carter,
8 But we can research it and get back to you.

9
10 Council President Knapp,
11 Okay.

12
13 Hamid Omidvar,
14 The First District and the Second District, it looks like it is only designed during the PDS
15 money during the design and it's only – during design because it's a couple of years.
16 The other ones you see there are going multiple years. That means it's fully, the PDS is
17 fully reflected in here. That's why they, there are more.

18
19 Linda McMillan,
20 And what you see in the First and Second is, there is no change from '07 CIP to '09
21 CIP. So those numbers were not adjusted based on any expected increase even in the
22 cost of construction for the same square foot building. They are just carryovers at the
23 moment.

24
25 Al Roshdieh,
26 Mr. Knapp, it appears the PDS associated with the construction part of that project is
27 reflected in there. However, we will look into that and get back to you with accurate
28 answer.

29
30 Council President Knapp,
31 Okay.

32
33 Councilmember Andrews,
34 Four years seems a long time to have the planning and design money spread across if
35 I'm interpreting it right.

36
37 Hamid Omidvar,
38 These are, the entire PD&S that starts from the start of the design all the way to the end
39 of the construction.

40
41 Councilmember Andrews,
42 I see. Okay. I see. Okay.

43
44 Linda McMillan,



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1 Right. Usually, if you see the whole time and you had a little of this discussion before
2 that last year of PD&S.

3
4 Councilmember Andrews,
5 You've got the supervision in there as well.

6
7 Linda McMillan,
8 Supervision.

9
10 Councilmember Andrews,
11 Okay.

12
13 Linda McMillan,
14 And so you've had a discussion of whether you would even show that sort of as you
15 clean up the whole CIP, whether you would leave that in or leave that out if you aren't
16 showing construction dollars. If you were to not show, if you were to move forward
17 under a policy on the Fifth District of only showing planning and design, most likely, that
18 whole 4th year would drop out because that, under the normal schedules is usually
19 associated with it being under construction by then. We have been seeing planning and
20 design taking probably two years, maybe two and a half. That would be correct, Hamid?
21 Yeah.

22
23 Councilmember Andrews,
24 Okay. Alright. Okay. Well let's, if there aren't any other question, let's move on to the
25 Sixth District. I see a light. Is this a question about?

26
27 Councilmember Floreen,
28 Well, I just had a kind of generic question of the Committee.

29
30 Councilmember Andrews,
31 Sure.

32
33 Councilmember Floreen,
34 As far as I can tell, you guys only put, approved construction money in the shelter and
35 for the stations, there is no construction money?

36
37 Councilmember Andrews,
38 We added.

39
40 Councilmember Floreen,
41 Right.

42
43 Councilmember Andrews,



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1 Well, yes. Construction money was proposed and included in the Animal Shelter as it
2 came over.

3
4 Councilmember Floreen,
5 Yeah.

6
7 Councilmember Andrews,
8 We did not put construction funding in the out years in the cases of the stations. That is
9 correct.

10
11 Councilmember Floreen,
12 Yeah, okay.

13
14 Linda McMillan,
15 Except the Sixth District which is programmed.

16
17 Councilmember Andrews,
18 The Sixth District is imminent.

19
20 Councilmember Floreen,
21 That one is.

22
23 Councilmember Andrews,
24 Or thought to be almost imminent.

25
26 Councilmember Floreen,
27 Okay.

28
29 Councilmember Andrews,
30 We'll find out.

31
32 Councilmember Floreen,
33 Okay, so that one we. And, but the planning and design money in the others, they are
34 all to the point of getting, you know, our conversation we had a couple of weeks back
35 about being a little more precise about the plan, that is the nature of the planning and
36 design money that's in.

37
38 Councilmember Andrews,
39 We think so.

40
41 Councilmember Floreen,
42 With those other projects.

43
44 Councilmember Andrews,



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1 Yeah.

2
3 Linda McMillan,
4 Well.

5
6 Councilmember Floreen,
7 Best we can tell. Okay. Thanks.

8
9 Linda McMillan, 176

10
11 But I mean, it is, the First District, the planning money is the same as it was before
12 which is based on the idea that you would replace the station. But it's tied up with the
13 PSTA so it is unclear once those decisions are made what the money would be that's
14 associated with the First District, and the Second District is also planning and design
15 money that's associated with what they call a prototype POR. So it's just based on a
16 square footage. It is not specific to the site. And so, in that case, once they issue the
17 REOI and hear back, the Executive would come back to you with a proposal which
18 would change those dollars, I mean, it's expected it would change those dollars even for
19 PD&S.

20
21 Councilmember Andrews,
22 Your question is a good one because the Committee has wrestled, as other Committees
23 have, with how to address the construction issue on these projects. We had, we took a
24 different approach on the Fire Stations because there is a little more uncertainty with
25 some of these Police Stations in terms of a construction schedule. In the case of
26 Bethesda, there is a great deal of uncertainty as to whether we'll get responses or not
27 on the request for information on the RPF, REOI, request for information of interest, but
28 on the Fire Stations, you'll see as we go through that packet, that we anticipate that
29 construction will begin as soon as design is done. And so we added construction dollars
30 in the Fire Stations because of the greater certainty there. And we'll talk about them
31 more when we get to that.

32
33 Linda McMillan,
34 And I would think the only sort of inconsistency here is with the Third District Station
35 because the expectation is that the land will be acquired and the design will move
36 forward. And the plan is that construction would probably start within the next two to
37 three years on that station and so that was the one where the Committee voiced its
38 most concern about not having construction dollars programmed but they didn't end up
39 in a place with a recommendation of adding those dollars but it would probably be in the
40 \$20 to \$23 million range.

41
42 Councilmember Andrews,
43 Right.



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1 Councilmember Floreen,
2 But that is all tied up with the HIF issue and everything else? The White Oak site, right?

3
4 Linda McMillan,
5 Well.

6
7 Councilmember Andrews,
8 That hasn't been purchased yet.

9
10 Linda McMillan,
11 It hasn't been purchased yet.

12
13 Councilmember Andrews,
14 We don't know if.

15
16 Linda McMillan,
17 But it is.

18
19 Councilmember Andrews,
20 Sure if that will happen.

21
22 Linda McMillan,
23 Right. I mean, the First and Second District.

24
25 Councilmember Andrews,
26 We hope it will.

27
28 Linda McMillan,
29 Stations are in a lot more sort of flux in where they are headed, but the Third District
30 Station, the expectation is this will be the site and the hope is that it would move forward
31 for construction within the next couple of years. So in terms of sort of the overall policies
32 that you've been looking at, that would be the one that is kind of most along the lines of
33 a Fire Station or the Sixth District Station where you would expect it.

34
35 Councilmember Andrews,
36 Where we see ambiguity, we were cautious. Where we see more certainty, we plowed
37 ahead.

38
39 Councilmember Floreen,
40 Good.

41
42 Council President Knapp,
43 I think what you will see is there was, as we get to the Training Academy issue, there
44 was a kind of a set of dominoes that need to start to fall that until we had a clearer



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1 understanding of what was going to happen with the relocation of the Training Academy
2 or not, the First District Station and other things were kind of tied up in that and so we
3 kind of were at a bit of a loss trying to figure out the best way to proceed because there
4 was no certainty on the first piece. That if that did not fall then the rest of them did, don't
5 kind of line up and you've got to take a completely different strategy.

6
7 Councilmember Floreen,
8 So true.

9
10 Councilmember Andrews,
11 Alright. The Sixth District Station is the Gaithersburg Montgomery Village Station. It has
12 been operating out of an interim facility on 355 for several years now. The property has
13 been identified for the new Station and money has been proposed that would fully fund
14 the project at roughly \$20 million. We want to get an update on the latest status of that
15 project in terms of where we should allocate the dollars in the years in the CIP based on
16 when we think it can go forward. So, what is the latest on the status?

17
18 Hamid Omidvar,
19 Since we met with you last time in the Committee, we talked to the developer and we
20 were told that although his ducks are in a row, but his forecast of when the road is going
21 to be put in place would be end of construction of the road by July of 2009. So that
22 means then the original PDF looks like holds which means we should start construction
23 after that, sometime around August or September which falls into fiscal year '10. We are
24 ready. We are almost at the end of the design. But unfortunately, we cannot start until
25 the piece of land or property is rated and the road that gives us access to our property
26 and infrastructure put in place.

27
28 Councilmember Andrews,
29 Okay.

30
31 Hamid Omidvar,
32 So that is the latest information we have got from the developer. We are continuing
33 meeting with them. And we understand their concerns, their concerns are state highway
34 and other, the financial is okay, but it's other requirements.

35
36 Councilmember Andrews,
37 Okay. So, we are not talking about change in the estimated dollar at this point, but just
38 when it would begin?

39
40 Hamid Omidvar,
41 Correct.

42
43 Councilmember Andrews,



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1 Can you provide to Linda, you don't have to do it right now, the latest thinking in terms
2 of how you would allocate the construction dollars for the three years of the project or
3 two years of the project?

4
5 Hamid Omidvar,
6 Sure.

7
8 Councilmember Andrews,
9 And then we will have that incorporated in. But this project is close. We are eager to see
10 this go forward. This serves a very busy service area of the County and the current
11 facility is not large enough to handle all of the functions of a full District Station. Okay.
12 Alright. The other items are smaller items. The Outdoor Firearms Range is scheduled
13 for some improvements in the outer years of the CIP. We will revisit the decisions once
14 the future location of the PSTA is decided. The Vehicle Recovery Facility is being
15 closed out. That construction is underway and that is scheduled to open in the fall of this
16 year. Glad to see that. And that is it for the Police Department Capital Improvement
17 Programs at this point. Okay. Thank you all. We are going to now go to item eight,
18 which is the Judicial Center Annex. We have Judge Harrington with us and others to
19 join us on that project, very important project. Hamid, I think you are just staying for all
20 of them, right? I think you're on most of these if not all of these? Alright. Okay. Let's
21 have the new folks introduce themselves for those watching and listening in.

22
23 Ann Harrington,
24 Good morning. I'm Ann Harrington and I'm the Administrative Judge of the Circuit Court.
25 Thank you for having us.

26
27 Council President Knapp,
28 Welcome.

29
30 Pam Harris,
31 Good morning. I'm Pam Harris, a Court Administrator for the Circuit Court.

32
33 Councilmember Andrews,
34 Good morning. Alright. This is a very important project and a large one and a
35 complicated one with a long history. I'm glad that Judge Harrington is here. Judge
36 Harrington has been working on this issue for a number of years and we are all eager to
37 move forward on this but to move forward in a way that does not require a, more
38 expenditure or a larger building than is needed to accomplish the purposes of the
39 building which is to ensure that we have a good system of justice maintained in the
40 Circuit Court in the County. We have an excellent Circuit Court, probably the best in the
41 state, I think it's safe to say. A lot of that is due to the very good work done by Judge
42 Harrington and her colleagues. The need for a Annex is basically that we are out of
43 courtrooms. We have 21 courtrooms that are full and they are in three locations. They
44 are in the red brick courthouse, in the gray courthouse, and then in the Judicial Center.



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1 So we're at capacity. We have a building that needs to have its HVAC system redone
2 which is connected but also a distinguishable issue. And that needs to be done very
3 soon because if we had the HVAC system fail in the Judicial Center, we would have no
4 place to put courtrooms in the interim. It's not something that can be substituted for
5 unlike many other functions of government where there is more flexibility in moving
6 people around. So the question then is how big an Annex do we need? That has
7 changed given the data that we now have that shows some of the experience in the last
8 few years with filings compared to what the projections were. Essentially the projections
9 are lower. The actual results have been significantly lower than the projections.
10 Although filings, it must be said, are not everything, they don't tell the whole story in
11 terms of workload because of the increasingly complex nature of some of the cases and
12 how we are handling them. We've set up Adult and Juvenile Drug Courts in the last few
13 years, new community based diversion programs are being made available through the
14 Juvenile Division, so filings are not the whole story. But it does look like the original
15 projections were not ones that will come to pass. That's good. Because they were for
16 big increases in filings over the next 20 years. We have no interest in building a facility
17 that is larger than necessary and it is a good thing to see filings not go up dramatically.
18 The latest thinking is that, and Linda or Judge Harrington, jump in if I misstate that, that
19 we need an Annex that would add somewhere in the range of 7 or 8 or 10 courtrooms to
20 the existing complement. We, as a Committee met and said, look, the latest estimate of
21 200 to \$250 million for adding the original estimate of courtrooms which was up to 11
22 newly fitted courtrooms and accompanying functions. Simply, we need to cut it back to a
23 number that is affordable over the next few years. We just are not going to be able to
24 afford a building of 200, \$250 million. So let's build a building that contains the minimum
25 number of courtrooms that we think we'll need over the next 15 to 20 years and let's
26 look at some other options in terms of utilizing existing space. I suggested that the court
27 system look at potentially the addition of a night court and that we need to be thinking
28 outside the box as to how we might better utilize the courtrooms we already have so
29 that we can minimize the number of new courtrooms that we need to construct. The
30 Committee really made two recommendations. One is to move forward expeditiously
31 with the replacement of the HVAC system in the Judicial Center so that we don't have a
32 potential crisis of having unusable courtrooms and no place for a substitute. And that is
33 something that I would like to get some confirmation from Hamid Omidvar about how,
34 and Al Roshdieh, about fast that could be done. What is the timeline that you would like
35 to see, that you think that should be done by, and I think we're looking at a timeline of
36 about two years to three years on that, but refresh my memory if that's wrong.

37
38 Hamid Omidvar,

39 Our current plan is, regardless of which option we go, we undertake the HVAC
40 renovation as the first task. We will start planning it, designing it, and implementing it as
41 quick as possible at the very beginning of anything else. So while we are reviewing the
42 program requirement for the facility, we are also looking at the HVAC design. The time
43 period, I think the design of it would take about five or six months or so and then
44 implementation of it, because we have to do two courtrooms at a time, it will take longer



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1 but it will probably take about a year or year and a half because we can only do so
2 many courtrooms at the same time. We don't want to interrupt so it's just operational
3 aspect of it.

4
5 Councilmember Andrews,

6 Right. Alright. So we are looking at about two years. Okay. Alright. And the total cost for
7 that is in the 35 to 40 million range, correct?

8
9 Hamid Omidvar,

10 Correct. Depends on what scenarios and how we do it, yes.

11
12 Councilmember Andrews,

13 Okay. Alright. So that is one aspect of this. The other, the recommendation of the
14 Committee is to say, look, we think realistically about \$100 million is what the County
15 could reasonably afford as an Annex over the next six years in addition to the HVAC
16 replacement that is being done. That is scaling back in half essentially the latest
17 estimate for the size of the building. We need to find a way to make that work and then
18 use other options to address better use of space or anything else that can be developed
19 as an alternative to building a larger building than one that can be built for about \$100
20 million. I would like to give Judge Harrington a chance to comment about the
21 importance of this project and the Committee's thinking in terms of its recommendation
22 on this.

23
24 Ann Harrington,

25 Thank you, Mr. Andrews. I do want to thank the Council because you have been very
26 supportive and responsive of the project. We have been before you in previous years,
27 really, talking about the same thing. So I know that you are familiar with our space
28 needs and the issues that have been facing the court. So I want to start out by thanking
29 you for that. I agree with Mr. Andrews, we want to build what we need and we don't
30 want to build anything more and we appreciate affordability and this is a project we
31 need to see completed so we do have to be realistic about it. Are you are well aware
32 that we are operating out of three locations right now. A concern I have about doing.

33
34 Councilmember Andrews,

35 What does that, what problem does that cause you when you have three locations?

36
37 Ann Harrington,

38 I can give you a perfect example that will come up tonight at the Juvenile Justice
39 Commission meeting. They would like our family division to do a one-family-one-judge
40 approach. It is the best practice for coordination of those cases when there are
41 domestic issues and juvenile issues. It's recommended as the national model. But
42 because our juvenile judges sit downstairs in the District Court, our family division
43 judges are in the Judicial Center, we cannot coordinate those cases to employ a best
44 practice that I think would be recommended and probably would be recommended by



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1 anybody studying the issue. We can't shunt people all over the place. We use the red
2 brick courthouse now but somebody who starts out in the basement of the District
3 Court, in order to get to the red brick has to re-go through security. We have got sets of
4 security at every location so we've lots of redundancies and inefficiencies. It is very
5 difficult to coordinate the movement of cases, the assignment of cases, and the use of a
6 judge whose docket may break down hearing a court matter to now be available to take
7 a jury matter when they don't have a courtroom and they don't have a jury room
8 available. So it just makes running the court a lot less efficient, the use of the judge time
9 less efficient, and I think it's an inconvenience to our bar and our citizens. I think we
10 could do a much better job if we operated out of one location and I think that's
11 everybody's goal ultimately.

12
13 Councilmember Andrews,
14 The security, you mentioned the security duplication as well.

15
16 Ann Harrington,
17 And there are some cases we can't take into red brick. We can't take anybody who's in
18 custody now into red brick because it's simply too old a building. It is not set up for
19 security. So we can't take anybody, adult over there. We can't mix adults and juveniles
20 who are in custody. They can't be within sight or sound of each other. It limits our ability
21 to really use the buildings effectively.

22
23 Councilmember Andrews,
24 Okay. Alright. Thank you. That is helpful.

25
26 Councilmember Ervin,
27 Thank you Judge Harrington. I do have a question. In the packet on page 5, I was
28 reading about the filings not telling the whole story and it is something I'm very
29 interested in. It says since the study period, the Adult and Juvenile Drug Courts have
30 been implemented, new community based diversion programs are being made
31 available, Mental Health Courts are being implemented, problem solving courts may
32 require more hearings per case and therefore court time may increase even as filings
33 decline. Can you elaborate on that?

34
35 Ann Harrington,
36 I certainly can. The Adult Drug Court meets on Thursday evenings. Those people who
37 participate in the Drug Court respond to court every single week and appear before
38 Judge Rube or a judge sitting in for him. In a normal criminal case, there might be five
39 appearances between filing of the indictment and sentencing. If somebody participates
40 in Drug Court for a period of six to nine months, they are going before that judge once a
41 week. It is still just one case. It is going to be counted the same way by the state but it is
42 taking so much more of court resources. It's a wonderful program and I think when we
43 take a look at the recidivism, we are going to be extremely pleased with the success of
44 that program and the impact on lowering potentially crime in the County and everyone's



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1 in favor of it. It just takes more time. It is thinking outside the box as Mr. Andrews
2 suggested and something we definitely want to do. I think we are treating people, saving
3 them from incarceration, hopefully stopping some level of crime in the County. But it
4 utilizes resources in a more intensive way.

5
6 Councilmember Ervin,

7 So thinking outside the box still doesn't get you where maybe the Committee members
8 wanted you to get to, which is, you know, you still don't need as much space as you
9 think you need because you really, you still need the space even if you are thinking
10 outside the box. You are still going to need that space for those individuals that are
11 going through the process.

12
13 Ann Harrington,

14 There is a certain amount of space that we are going to need. I think the idea is that the
15 study is going to confirm exactly what that is and bring it more up to date than the
16 numbers we were using in 2003.

17
18 Councilmember Ervin,

19 In terms of national trends on this subject, when you are looking around the country, are
20 other jurisdictions being faced with the same kinds of issues regarding space needs? It
21 seems to me that people are moving more toward that out of box thinking, night court,
22 all these different kinds of ways to deal with these issues. Are you finding these trends?

23
24 Ann Harrington,

25 I think the national trend is to explore all avenues of other ways to dispose of cases,
26 including the problem solving courts. I don't know that jurisdictions have gone to night
27 court. I promised Mr. Andrews I would keep an open mind.

28
29 Councilmember Andrews,
30 When I suggested it.

31
32 Ann Harrington,
33 Explored that.

34
35 Councilmember Andrews,
36 But.

37
38 Ann Harrington,
39 I just have not looked at that.

40
41 Councilmember Ervin,
42 Okay.

43
44 Linda McMillan,



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1 And I will say, I think one of the issues is sort of the traditional night court has really
2 been for the kinds of cases that our District Court would handle, so like a traffic court or
3 a low level criminal court. But I would also say just in support of the look, Adult Drug
4 Court does meet during the evening.

5
6 Councilmember Andrews,
7 Right.

8
9 Linda McMillan,

10 And part of that is because people are expected to work. And so as you have problem
11 solving courts where part of your goal is to have people employed, if a lot of those
12 people are employed during daytime hours, you also need to have the court be flexible
13 so that it doesn't work at, you know, crossroads. You want the people to go to work.
14 You want them to come to court. So there may be different hours that we end up using
15 courtrooms but I also wanted to say while the discussion and the driver of the space
16 need in the projections was filings and then courtrooms, a huge amount of the space is
17 related to the support staff that was projected to be needed to go along with all those
18 courtrooms. That is in everything, whether it is the State's Attorney's office or the
19 Register of Wills or the Clerk of the Court, and so I think relooking at this with the
20 weighted workload kind of information. That the court has would also have a chance
21 then to relook at whether those kinds of increases were even reasonable to assume in
22 some of those other support offices that were kind of straight lined out in some of the
23 earlier studies. I think the space issue can be looked at with a little more care into the
24 nuances of the kind of programs that are really going on in the courthouse.

25
26 Pam Harris,

27 If I can comment just for a moment. Linda did a wonderful job in putting this packet
28 together because it has been 15 years that we have been working on this. But we have
29 four judges in other buildings, as you know, and the state currently shows the court
30 needing 2.3 judges more to handle the workload that we have right now. That has been
31 consistent over the past three years. Right now, in the building, we are six courtrooms
32 shy of where we really need to be. If we had those other two courtrooms, we would be
33 able to have those two other judges. So, having six courtrooms shy of where we are, I
34 don't know if 10 or 11 courtrooms for the next 15 or 20 years is too out there. It may be.
35 We will look at it again. But I really want you to know that we are really six courtrooms
36 shy right now of what we need.

37
38 Councilmember Andrews,
39 Right. That's a very important point.

40
41 Council President Knapp,
42 I just had one question.

43
44 Councilmember Andrews,



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1 Sure.

2
3 Council President Knapp,
4 Having been a member of the Public Safety Committee for the last five years I know
5 we've been talking about this for at least that amount of time, when were we supposed
6 to actually be constructing something? Originally.

7
8 Ann Harrington,
9 We were going to move in in 2009. That was when we thought we would be moving into
10 the building.

11
12 Council President Knapp,
13 And has that been for fiscal capacity or has that been because we've just not been able
14 to get the target kind of set so we can figure out what it is we are actually shooting at?

15
16 Linda McMillan,
17 Well, I think there are a couple of things. The Council actually added this project to the
18 CIP back in fiscal '03 because the court had been expressing at that point, we had built
19 out, there were shell spaces for courtrooms in the Circuit Court, we had built those out
20 and so they came saying, you know, we expect we're going to have some future need.
21 We need to get on with looking at this and there was agreement that we should. The
22 initial thought was that it might be possible to in essence build an Annex in two phases
23 so that you could have sort of two towers that could be joined together really for fiscal
24 capacity reasons because the project is a very large and it's a complicated project
25 because of where it needs to be constructed. The studies did show that you really want
26 to bring everybody inside one secure envelope.

27
28 Council President Knapp,
29 Right.

30
31 Linda McMillan,
32 If at all possible because of your operational and logistical costs. The Council first had
33 asked whether you could have a plan that sort of provided this 20 year plan, but we
34 could build the first 10 years and then the second 10 years. So we started down that
35 road and then DPWT came back and said that, you know, it was really their best advice
36 after looking at the site and looking at the logistics that everything needed to be built in
37 one tower. So, then there were additional studies done and we kind of have climbed
38 both in the space that was needed and the dollars associated with that until we are at
39 the point really where we are now, which is that the proposal that is kind of out there
40 based on the POR, is that the total cost of the Annex plus renovating the JC is in the
41 range of \$250 million. So, you know, if you look at it strictly from sort of a, I mean, I had
42 questions about whether all the space is needed because of what the projections seem
43 to have not taken into account. But the other question is, if you were to actually consider
44 having a project that you really believe is going to cost \$250 million and you really are



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1 going to fund in the six years, you have nothing left in the reserve. This was the
2 discussion that we had. There would be nothing left. So, right now, there is \$40 million
3 that is programmed and there is this \$200 million piece that is unprogrammed. So the
4 discussion that we had in the Committee was whether some guidance needs to be
5 given both on wanting to meet the need of the court, but wanting to put some level of
6 affordability around it, and as you know, \$100 million is also not easily affordable, but
7 certainly is quite different than another \$200 million to put into the CIP. And so I think
8 that that's really where the Committee.

9
10 Council President Knapp,
11 Yeah.

12
13 Linda McMillan,
14 Was giving its direction. It wasn't, I know you have had some discussions and other
15 briefings about like commitments made around, like Strathmore where there was kind of
16 a cap. This was more of a guidance of what might be affordable. The idea would be for
17 DPWT and the court and everybody to work together to see.

18
19 Council President Knapp,
20 Okay.

21
22 Linda McMillan,
23 What it might be, but might not come back at exactly that amount. I would just say in the
24 particular case, because the Committee had given a lot of guidance that was different
25 from the existing PDF circle one and two has a staff draft, so it doesn't really look like a
26 PDF but it's a staff draft of what the PDF would look like based on the Public Safety
27 Committee recommendation. And so what you see is that there would then be a total of
28 \$139.5 million in the project, which would be the total programmed cost as we would
29 hope it would come back, not to say it's exact, because it is not based on a design or
30 anything. What you see is even to fit that in really the construction has to happen out in
31 12, 13 and 14 because as your reserve is now, there really isn't capacity in any years
32 earlier than that to move forward with something of that magnitude. And this doesn't
33 take into account of course all the other projects that you are trying to balance against
34 this. But just in terms of looking at this project alone, in terms of the reserve, this is
35 where your dollars could fit. So if the goal was to do it within the six years, at some level
36 of cost, this is kind of about where we would have to come out.

37
38 Councilmember Andrews,
39 Right.

40
41 Linda McMillan,
42 It is a very different PDF than the other ones that you have before you because it is
43 based on both guidance in terms of an overall cost for the Annex as well as the
44 Committee's lengthy discussion about needing to move forward with the renovations



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1 inside of the current Judicial Center because of the uniqueness of the facility. If you had
2 a, you know, major breakdown in HVAC which is aging in that particular facility, there
3 isn't really an alternative for the courtrooms. It's not, as difficult as it would be to move
4 people in offices into other offices, it would be impossible to find space to actually
5 conduct Circuit Court trials and hearings outside of a courtroom. That is why there is
6 this sort of extra level of concern about making sure that the HVAC gets addressed in a
7 timely manner.

8
9 Councilmember Andrews,
10 Right.

11
12 Council President Knapp,
13 Just one more question on that. What did the Executive think was going to happen?

14
15 Councilmember Andrews,
16 The Committee noticed that the PDF was missing some dollars. [laughter].

17
18 Councilmember Trachtenberg,
19 Only some?

20
21 Councilmember Andrews,
22 So, that is the reason why the Committee said, look, we need to add construction funds
23 in here for what we think is a reasonable amount, affordable amount that gets the job
24 done because we fully expect and want this project to be built by the end of the six
25 years CIP. To do so, we need to put in the construction funding, which was completely
26 absent. The money that's in there that was proposed was really for just the HVAC and
27 design money.

28
29 Linda McMillan,
30 And it was originally attached to the two-phased plan. That is where the dollars really
31 evolved from was this initial idea that we could build in two phases.

32
33 Council President Knapp,
34 Right.

35
36 Linda McMillan,
37 The dollars have been around for a long time.

38
39 Council President Knapp,
40 I know, but.

41
42 Al Roshdieh,
43 Well, the dollars for the design was in the Executive recommended CIP so our plan was
44 to proceed with the, first to evaluate the POR and review it again before we proceed



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1 with the design phase. That is why the PDF did not include any construction dollars in it
2 as we do not have a clear understanding as what the construction costs would be.

3
4 Council President Knapp,
5 Okay. Councilmember Leventhal.

6
7 Councilmember Leventhal,
8 Just a quick question for my information, Judge Harrington. I know there is also a great
9 deal of uncertainty regarding the District Courthouse between Rockville City and the
10 state of Maryland. Does that impinge on your space situation at all, or is that a
11 completely separate universe?

12
13 Ann Harrington,
14 It is completely separate.

15
16 Councilmember Leventhal,
17 Alright. Thank you.

18
19 Councilmember Andrews,
20 Alright. So the bottom line is the Committee is recommending that we add \$30 million in
21 FY12, \$40 million in FY13, and \$30 million in FY14 in order to provide what we think will
22 be a round amount, approximate amount of construction funds needed for this. No
23 doubt that will change at some point. But that is a starting point that would keep us on
24 track to get this done by the end of this CIP. Okay. I don't see any other questions.
25 Thank you very much.

26
27 Council President Knapp,
28 Thank you for hanging in there with us.

29
30 Councilmember Andrews,
31 Okay. Next is agenda item 10 which is the CIP for the Department of Correction
32 Rehabilitation. We have some representatives from the Correction Department here to
33 join us. I know that Director Wallenstein is unable to be here this morning. He had an
34 unforeseen, unavoidable conflict. He sends his regrets but he was with us at the
35 worksession and we have Warden Smith with us from the Montgomery County
36 Detention Center. Please join us Warden Smith.

37
38 Linda McMillan,
39 Mr. Shannon is here, Mr. – had to attend the same meeting with Mr. Wallenstein.

40
41 Councilmember Andrews,
42 Okay. Alright. Alright. Well, this project is about ready to go forward. Which is good
43 news. This has been in the works for a while as well. This is a much-needed and
44 important renovation to improve the functions, various functions of the Montgomery



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1 County Detention Center. It is used by several Departments. It is used by several
2 Departments now. It is used for short term holding, intake and release, pretrial services,
3 and training, commissioner processing, the Police Warrant and Fugitive Unit will operate
4 out of there. We have the central arrest processing that takes place there and the
5 mental health assessment done by HHS. It serves a number of important purposes that
6 work very well together. The state has provided \$9 million so far toward this project. We
7 expect another \$2 million for the remainder and we'll continue to seek that. The latest
8 estimate, and this is considered to be a firm, good estimate of the costs is \$38.4 million.
9 That would be completed by FY11. That would begin next year. If there has been any
10 change in the last few weeks to the schedule, please let me know. When would
11 construction actually be anticipated to begin?

12
13 Hamid Omidvar,

14 If we proceed with the current plan, that would be in about the beginning of the fiscal
15 year.

16
17 Councilmember Andrews,

18 Within a few months. Okay. This summer. Okay. Most likely. Good. This has been
19 before the Council for quite a while. I'll see if there are any questions. I don't see any.
20 Okay.

21
22 Linda McMillan,

23 I did just want to mention that the Executive is looking at some other options, but said
24 he would forward any other amendments before your budget discussions were done in
25 May.

26
27 Councilmember Andrews,

28 Alright. Well we're eager to see this move forward and thank you for all the good work
29 that is being done over there right now. Warden Smith, did you want to make any
30 comments about this? Okay. Alright. Next item is the Prerelease Center Kitchen
31 Renovation and Addition. The Prerelease Center, as I would say all of our components
32 of our Correction System does an excellent job in helping to ensure that to the greatest
33 degree possible that the folks that are inmates in our Correction System are only there
34 once and get their lives on track and become productive members of the community.
35 There has been a lot of good work done, great work done by the Department to reduce
36 recidivism and to increase the likelihood that it truly is a one-stop for many of the people
37 going through. That is our goal. The Public Safety Committee has worked very closely
38 with the Department to support those efforts and we are very pleased with the excellent
39 programs and results that we hear about from many in terms of the work of the
40 Department and its excellent work with other agencies. The amount of coordination
41 between Corrections and other agencies is outstanding. It has been a general trend and
42 improvement I think over the last decade and throughout County government. The
43 Prerelease Center Kitchen Renovation, this is something that needs to be done to keep
44 the kitchen up to date and from falling apart. And so it is scheduled for renovation and



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1 an addition to it in the latter years of the CIP. The majority of the Prerelease Center is
2 30 years old. So it is just reaching that time that it needs updating. Linda, did you want
3 to add anything?

4
5 Linda McMillan,
6 I would just say in this particular instance, the Committee did ask that the estimated
7 construction dollars be added into the PDF.

8
9 Councilmember Andrews,
10 That's right.

11
12 Linda McMillan,
13 And so that was an additional \$3 million in years '13 and '14.

14
15 Councilmember Andrews,
16 That is correct. Our conclusion was this should go forward to construction as soon as
17 design is completed.

18
19 Councilmember Leventhal,
20 I don't actually have a question about the CIP, I just wanted to echo Chairman Andrew's
21 comments about the very high quality of our County Department of Corrections. And I'll
22 make this point again during the operating budget. We just, again and again and again,
23 I find that Director Wallenstein and his senior staff and all of the rank and file employees
24 who are maintaining order and assisting people to get on with their lives are just very,
25 very highly regarded by other Departments. Unfortunately, it falls to the Department of
26 Corrections to provide a lot of the services that we all know should be provided a lot
27 earlier in people's lives and in the process of people's disabilities and incapacity and so
28 we are glad you are there. We wish you did not have to be our mental health provider of
29 last resort. We wish you didn't have to be our substance abuse counseling provider of
30 last resort. We wish you didn't have to be a shelter for homeless people of last resort.
31 Unfortunately, you do end up fulfilling those roles and fortunately you fulfill them very,
32 very well. I just wanted to echo the Chairman's, just heap praise on the Department and
33 hope you'll relay our support for your efforts to everyone under your supervision as well
34 as to Director Wallenstein.

35
36 William Smith,
37 I just want to say thank you Mr. Leventhal for those kind remarks about our Department.
38 We take a lot of pride in what we do on a day-to-day basis. I will certainly pass it on to
39 my staff and to Warden Green's staff as well and to the Director.

40
41 Councilmember Andrews,
42 Thank you on behalf of the Council, very much. Alright. Well said.

43
44 Council President Knapp,



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1 Yep.

2
3 Councilmember Andrews,

4 Alright. I don't see any other questions. That is the Committee recommendation on
5 those two items in the Correction and Rehabilitation Department. Thank you very much.
6 Our next budget is the CIP for Fire and Rescue. This is a, this has a lot of projects. Let's
7 start with the good news. The good news is the West Germantown Fire Station is under
8 construction. And the East Germantown Station is scheduled to begin later this year.
9 Right?

10
11 Unidentified

12 Yes.

13
14 Councilmember Andrews,

15 Alright. So, that's good news. And the Takoma Park Station is getting real close, real
16 close. Were the WSSC issues resolved?

17
18 Council President Knapp,

19 I understood, at least verbally, that the WSSC issues were resolved according to Mayor
20 Williams as of Friday of last week.

21
22 Tom Carr,

23 They are in a meeting as we speak and I believe the potential for a notice to proceed is
24 imminent as in today.

25
26 Councilmember Andrews,

27 Excellent. Good news.

28
29 Tom Carr,

30 That's my understanding.

31
32 Councilmember Andrews,

33 Alright. That is good news. In a matter of months, we will have three fire stations under
34 construction. Which is.

35
36 Council President Knapp,

37 First time since 1981.

38
39 Councilmember Andrews,

40 A long time coming. And we have a number of others that need to go forward too. So,
41 that is what we will be seeing in terms of activity this year in terms of construction. We
42 have been joined at the table by Chief Carr. Chief Carr, say hello the television
43 audience.



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1 Tom Carr,
2 Hello television audience.

3
4 Councilmember Andrews,
5 Good job. [laughter]. And we have a new representative who has joined us as well.
6 Please introduce yourself.

7
8 Anita Ayreety,
9 Anita Ayreety, OMB.

10
11 Councilmember Andrews,
12 Welcome. Okay. And we have the regulars. Alright. Well, let's go through the packet. I
13 think as it's laid out, some of it will go quickly, some may take a little bit longer. First, let
14 me see if Minna Davidson has any comments she wants to make about her excellent
15 packet.

16
17 Minna Davidson,
18 No.

19
20 Councilmember Andrews,
21 Okay. You will quit while you are ahead. Alright. Okay. Alright. We did, as I said earlier,
22 treat some of the, most of the projects in the Fire budget a little differently than some of
23 the Police projects because we saw most of these at least as ready to go to
24 construction and needing to go to construction as soon as design can get done. And we
25 saw greater certainty in the projects in this budget than we did in Police in terms of the
26 location of where the stations would be and other factors as well. So, that is a
27 difference. You will see that we did add construction funding in a number of cases and
28 I'll start with those because we looked at the Cabin John Fire Station, Glen Echo Fire
29 Station Renovation, Glenmont Fire Station 18 Replacement, and the Kensington Aspen
30 Hill Fire Station 25 Addition. In all of those cases we added construction costs to the
31 capital budget so that they can move forward promptly to construction after design is
32 completed. We don't, as a rule, want projects to sit when the design is done. The design
33 can become outdated, in the case of Fire Stations, we want to see them come online as
34 soon as they're ready, everything else equal. So we did add construction dollars for
35 those four projects. Let's go through those four projects one by one and talk about those
36 a little bit. The, Minna, why don't you start us out with that. Start with Cabin John.

37
38 Minna Davidson,
39 The Cabin John Fire Station 30 Project is an addition and renovation of the station. All
40 of the work would occur onsite and it was programmed originally for planning, design,
41 and supervision funds only the Committee reviewed the project and determined that
42 because this is a renovation onsite and it's basically a known quantity, what's supposed
43 to happen, they wanted to add construction funds to the cost of the renovation. The



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1 Executive had recommended approximately \$1.2 million in the project and the
2 Committee is recommending increasing the total cost to \$7.7 million.

3
4 Councilmember Andrews,
5 That's on page 14 of the packet.

6
7 Minna Davidson,
8 And that's on page 14 of the cover memo.

9
10 Councilmember Andrews,
11 And so you can see that, the PDF that we received there and what we changed it to.
12 Okay. Any questions about Cabin John? Alright. Glen Echo is a major renovation. It
13 would add, if we add to the full cost of this project which took it up from 1.8 million as it
14 came over to 11.7 million. It is described, I don't think there's much to add to that. Let
15 me see if there are any questions about Glen Echo. Nope. Okay. The Glenmont Fire
16 Station 18 Replacement is resulting from the State Highway Administration's plans to
17 build a new intersection at Georgia and Randolph Road, which would take the existing
18 station site. The replacement station would be located next to the Metro. It's expected to
19 total about \$18 million for the full cost of the project. This will be critical to have in place
20 when the station is taken for the highway project, and so we have added the cost into
21 this CIP for this. Any questions about Glenmont? It looks like there are. Okay. I think
22 Councilmember Leventhal was first.

23
24 Councilmember Leventhal,
25 Thank you Mr. Chairman. I want to be diplomatic and grateful at all times with my words
26 here, but as with the Judicial Annex, it seems to me that the CIP we received from the
27 Executive Branch just completely fails to provide the necessary funds for a project that
28 cannot wait. I'm looking at this list, and I can understand in the communities of Cabin
29 John and Glen Echo, they have serviceable firehouses now, and so we can debate
30 whether and when and how quickly the renovation and modernization might be needed.
31 Obviously, every community wants a modernized firehouse right away. Not every
32 community can get a modernized firehouse right away. So in terms of policy and timing,
33 I can understand a difference between the Executive Branch and the Public Safety
34 Committee as to the urgency of the renovation of those two stations. With respect to
35 Glenmont, we cannot wait. The state is building a new intersection. It's happening. It's
36 going to be underway very soon. Absolutely within the timeframe of this CIP and there
37 won't be a fire station once that intersection is done. So, how is it that the Executive
38 Branch can tell us that there aren't construction dollars available for a new firehouse
39 that we have no choice but to build within this five year timeframe? I just don't
40 understand it.

41
42 Jackie Carter,
43 I think this reflects, this is not indicative of the Executive Branch not considering projects
44 important enough to program construction funding, it is basically a policy which we've



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1 adopted where we are programming projects primarily for design until we get to a
2 certain stage where we can have an idea of, a better idea of what the construction costs
3 are. By no means are we suggesting that they're not important projects.

4
5 Councilmember Leventhal,
6 So the expectation of the Executive Branch is that there would be several special
7 appropriation requests downstream once we have a clearer picture of what the
8 firehouse will look like.

9
10 Jackie Carter,
11 Well, I don't know if they'd have to be special appropriations or if they would fit into the
12 regular CIP cycles. I can't tell you that specifically, but we would program them when we
13 have an idea of how much the construction costs are, a better idea.

14
15 Councilmember Leventhal,
16 And then other projects in the CIP would have to be delayed to make room for it.

17
18 Jackie Carter,
19 I don't know whether other projects would necessarily have to be delayed. We'd have to
20 see how they'd all fit in.

21
22 Councilmember Leventhal,
23 Okay. That's a.

24
25 Jackie Carter,
26 I mean, the Executive did leave fairly large GO Bond set asides to accommodate
27 construction costs being programmed in the later years.

28
29 Councilmember Leventhal,
30 Okay. I'll say that's a responsible answer to my question. However, I guess I'm trying to
31 get a sense then of, with respect to Glenmont, how much do we know? Do we have no
32 idea? Don't we have already an identified site? Don't we have a pretty good idea of
33 what it's going to look like and where it's going to go? I mean, this Council settled that
34 question amidst much dispute. Why is so little known?

35
36 Al Roshdieh,
37 Well, we have a general idea based on the program of what would be the cost but that
38 will not be an accurate estimation so the policy or the decision is to go into the design
39 and once we have a better understanding of what the requirements are and the market
40 and then we can make a very accurate estimate of what the construction cost would be
41 and come forward.

42
43 Councilmember Leventhal,



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1 Well, okay, I mean, I know other Councilmembers have raised this issue. And I don't
2 think we can be completely pure here. But I know that there is a view among many
3 Councilmembers that to the extent that we can, we ought to program construction
4 dollars in this CIP to send a clear signal that we expect to spend the money, and when
5 we expect to spend it. And I understand a lot of these projects sort of float and some get
6 delayed, and we just heard about Judicial Annex, it's been delayed and delayed and
7 delayed and delayed. It just seems to me that in the case of Glenmont, we have had so
8 much discussion in the T&E Committee about the placement of the garage and the
9 purchase of the property and I'm surprised that the Executive Branch isn't further along,
10 and that it falls to the Council then to make a clearer statement about what in fact the
11 County obviously intends to do and we all know we intend to do it, and then we have the
12 struggle of trying to balance the CIP when we know that this Glenmont Station is a
13 project that has to move in the next, in the very near term. So I feel like the Executive
14 Branch has sent us a, it's like a math problem that we wish we didn't have to, I'd rather
15 not have that homework assignment. Now, I mean, we heard from Glenn earlier, now
16 we've got to balance the CIP. But it's simply because we're acknowledging that these
17 things are going to happen. We all know they're going to happen. And yet the budget
18 that we get from the Executive Branch doesn't acknowledge that it's going to happen.

19
20 Jackie Carter,

21 I just, I guess I'm just repeating what I said. I don't think it's that we don't acknowledge
22 it's going to happen. It's just the philosophical difference as to how you program
23 projects.

24
25 Councilmember Leventhal,

26 Well, I'm very interested in that philosophical difference. Can you articulate it more
27 clearly because we've been, I've been trying to understand that.

28
29 Jackie Carter,

30 At what stage? Do you program it all based on cost estimate that you're unsure of? Or
31 do you, as we've chosen to do for most of our projects, we've programmed them
32 primarily for design until we have more information at which stage we program
33 construction costs. There were some projects in the CIP, however, from prior years
34 where they had been programmed with preliminary cost estimates, and for those
35 projects, we have maintained the capacity but for newer projects we have programmed
36 for design only.

37
38 Councilmember Andrews,

39 Alright. Councilmember Floreen.

40
41 Councilmember Floreen,

42 Thank you. I'll just comment on Mr. Leventhal's most recent observations. I mean, that
43 is the issue. The County Executive has taken a different approach, and it's not unrelated
44 to the conversation we had at the get go as to why these numbers are so different when



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1 we actually get to construction. And it's because we haven't figured out what we're
2 really doing yet until a certain point in the process. And we've all taken somewhat
3 different, the Committees have all taken different approaches so far as to the solution as
4 to at what point do you actually program the dollars you know that you need to have or
5 whether or not you want to put off the decision as to how you actually program
6 construction, and so, that's obviously something we're going to have to work out as we.
7 What is it 300 million that we're going to have to whittle down in a couple of weeks. But
8 particularly on this one because we do know it's occurring. And actually, there's
9 condemnation action or negotiation as to acquisitions going on right now. I was a little, I
10 was wondering about why the costs were reflected as GO Bonds here because I would
11 think that a good portion of the planning and certainly the construction dollars would be
12 contributed by the Kensington Fire people. Because it's their station that's being
13 reconstructed, so I'll make that note. I think the PDF should at least reflect that the
14 County will expect that the money received by the volunteers for the existing facility will
15 be recycled into this one. Or has that calculation already occurred here?

16
17 Tom Carr,
18 As you know, the volunteers own the existing station.

19
20 Councilmember Floreen,
21 Yeah.

22
23 Tom Carr,
24 And they have not determined whether they're going to provide dollars for the new
25 station.

26
27 Councilmember Floreen,
28 Really.

29
30 Tom Carr,
31 Or use those dollars for some other effort. So this is presuming.

32
33 Councilmember Floreen,
34 Part of that continuing conversation with the volunteers. Well, then I don't think we
35 should program construction dollars until that point's resolved. That's, really? They don't
36 expect to contribute to this?

37
38 Tom Carr,
39 Well, they're not sure at this point in time, they're still negotiating and they haven't
40 determined if they will or won't and because of the time sensitivity of the project, it's
41 proceeded on parallel tracks, if they contribute then they contribute. If they don't, at least
42 we're not losing the time on the project as far as the road construction goes.

43
44 Councilmember Floreen,



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1 Well, the road construction part is going to have to happen, well, I'd ask the Committee,
2 did they discuss this little wrinkle in all, in this particular project?

3
4 Councilmember Andrews,
5 Regarding the volunteer contribution?

6
7 Councilmember Floreen,
8 Yeah.

9
10 Councilmember Andrews,
11 We did talk about it, and we had the same answer at the Committee that the volunteers
12 have not made a decision at this point as to whether to contribute, and of course, they're
13 not required to, and so we programmed with GO Bonds the dollars anticipated for the
14 construction costs.

15
16 Councilmember Floreen,
17 Well, I would recommend though, that we at least include language in the PDF that it
18 says the County anticipates a significant contribution by the Kensington Volunteer Fire
19 Department if they intend to continue to play a major role with the station or something
20 to that effect. I know they've been, you know, very, you know, at every table on the
21 subject, and I know they have every intention of having a major, you know, I don't know
22 whether they're going to own or have some sort of ownership interest in the new station,
23 but we certainly don't want to foreclose that, or if we do want to foreclose that, we
24 should say that it seems to me.

25
26 Councilmember Andrews,
27 We're hopeful.

28
29 Councilmember Floreen,
30 Which I would be surprised. Yeah.

31
32 Councilmember Andrews,
33 Can be hopeful, we can put that in. I don't know that we can say we anticipate, but we
34 certainly can be hopeful that there will be a contribution, and of course, there are many
35 other ways of contributions that are provided by the volunteers.

36
37 Councilmember Floreen,
38 But this is a.

39
40 Councilmember Andrews,
41 But it would be helpful to have.

42
43 Councilmember Floreen,



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1 Full scale replacement of, it's really a privately owned facility, and unless, I do
2 appreciate the number of pieces to this particular puzzle, but it seems to me that we
3 would want to recognize their long term contribution to the community and the
4 expectation that they will continue to play a significant role in the management of this, or
5 handling of this facility's use.

6
7 Councilmember Andrews,

8 Right. And I think we all would like to see that, and I hope that those discussions that
9 you have with the Department will continue about the role that we hope they will play in
10 helping to pay for the, some of the cost of it.

11
12 Councilmember Floreen,

13 Well, could we, perhaps we could ask staff to draft some language that would reflect the
14 appropriate expectation there.

15
16 Councilmember Andrews,
17 Sure. Sure.

18
19 Councilmember Floreen,

20 Appreciating that it may take a little bit of wordsmithing.

21
22 Councilmember Andrews,
23 Okay.

24
25 Councilmember Floreen,

26 Okay. I'd appreciate that. Thank you.

27
28 Councilmember Andrews,

29 Okay. Alright. And the other new project that we added construction funds to is the
30 Kensington Aspen Hill Fire Station 25 Addition, which would take it from 2.3 million to
31 13.4 million with construction expected to be completed in FY13. This provides for an
32 additional 12,000 square feet for the station. Chief, do you want to describe briefly the
33 reason why this addition is needed?

34
35 Tom Carr,

36 Sure. First of all, the Aspen Hill area, as you know, is one of the busiest areas in the
37 County, and we last year added a flex unit, EMS unit to that station and actually, the
38 station is so full of apparatus right now that unit has to park at a different station at night
39 when it's not in service. So they have to go to a different station, pick up the vehicle,
40 bring it to that station. There's a capacity issue to begin with. In addition, that's one of
41 our special operations stations so we have personnel from USAR and Hazmat and
42 underwater rescue all stationed there. That's the biggest reason for the addition, in
43 addition to the capacity issue, is to assure that we have room to put their special
44 equipment in place. And then in addition to that, we will be proposing to update the



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1 Battalion Chief's office area to provide an adequate facility to support our concept of
2 having code enforcement personnel based within the battalions, having other
3 supervisory personnel based within the battalion so that they can provide more direct
4 hands on service as opposed to being located here in Rockville.

5
6 Councilmember Andrews,

7 Okay. By the way, on the construction cost, we used the midpoint of the estimates that
8 we had available for adding it back in. The range was given on page 6. We took the
9 midpoints of that range in terms of the dollars we recommended adding. Those are the
10 four projects that came over for design funds only which we added the full construction
11 funds to. I want to note that Minna included, Minna reviewed, Council staff reviewed the
12 pedestrian and bicyclist impact statements that are required as part of all capital
13 projects and she looked at those in terms of the Fire and Rescue projects and found
14 there were impacts identified for four projects, Clarksburg, East Germantown,
15 Glenmont, and West Germantown. In West Germantown, there is a 200 yard sidewalk
16 that's going to be constructed as part of the project to connect existing sidewalks and fill
17 a gap. I think that what we should do now is just go through the projects that already
18 had construction funding in them, starting with Clarksburg which is on page seven. We
19 are recommending because of issues related to site selection and acquisition that the
20 project schedules move back one year to reflect the delay there. This is tolerable
21 because we have an interim station in Clarksburg now that is serving the community
22 and so this is not a big problem, but we want to see it move forward as soon as it's
23 ready. I don't see any questions about that. I'll just keep going until I'm interrupted.

24
25 Councilmember Ervin,
26 Good policy.

27
28 Councilmember Andrews,

29 Okay. East Germantown is, along with Takoma Park, the next station to get going. It's
30 scheduled to begin in the next few months and be completed about the end of 2009, if I
31 recall, or early 2010, in that timeframe. At Boland Farm and Maryland 355 in
32 Germantown, it is laid out there. And those are considered to be firm numbers, right, in
33 terms of the cost. Travilah is, we're going to talk about this a little bit in the next packet
34 as part of the PSTA issue regarding the relocation proposal for facilities to the
35 Gaithersburg site. Travilah is a station that's going to fill a gap that's, and would be
36 located in the middle of four of our busiest fire stations in the County. It is currently
37 planned to be a part of the PSTA. On the other hand, that may change. In any event,
38 we're looking at having it as a standalone station as well as looking at the option there
39 because that would give more flexibility for capacity to be added in the future if that
40 were done. It would be more expensive by about \$4 million to build it as a standalone
41 station so that's a consideration. And we have asked for a comparison of the two and
42 the Committee will come back to that. In the meantime, we suggest just keeping the
43 PDF as it is because we won't have firm information on this one until we have a
44 decision made about what happens to the PSTA or at least we may not have unless we



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1 decide for sure to go with the standalone station. We did West Germantown. It's moving
2 forward. Will be done in about a year, correct, from now. See the opening next March or
3 April, I think. So we're pleased with that. The station replacement, renovations, and
4 additions on page 13, Burtonsville Fire Station Addition, is a small addition to the
5 station, includes bunk facilities. The Burtonsville Volunteer Fire Department is
6 contributing \$100,000, or plans to toward the cost of this project. Glad to see that. We
7 did Cabin John. We did Glen Echo. So we can skip to page 18 and Takoma Park
8 Station 2 Replacement, which the latest news is we will begin very shortly. Good news
9 there. It's been a long time coming. Wheaton Rescue Squad Relocation. The Wheaton
10 Volunteer Rescue Squad is planning to relocate from its existing facility on Grandview
11 Avenue to a site on Georgia and Arcola. This is a project that is anticipated to be split
12 half and half in terms of the costs. The cost has increased substantially because the
13 County looked at the design and basically updated it and added things that were
14 needed, that were not in the original projection. The anticipated County cost is reflected
15 here of about \$11.8 million and the Wheaton Volunteer Rescue Squad still intends to
16 come up with its half although it will be more challenging than originally planned given
17 the increased cost, and that's the latest we've heard about this project in terms of the
18 funding. In terms of the timing, Chief, what's the latest in terms of timing that you think is
19 realistic on this project?

20
21 Tom Carr,
22 As I last understand it, they're within 90 days of going out to bid. So I think we're getting
23 close.

24
25 Councilmember Andrews,
26 Okay.

27
28 Tom Carr,
29 We do have an MOU, it hasn't been signed yet because signing it starts the clock for
30 them, so we're holding off for that reason. Otherwise, I think it's imminent. All of the
31 issues have been resolved.

32
33 Councilmember Andrews,
34 Yes. Oh, another, go ahead.

35
36 Councilmember Ervin,
37 Hi Chief Carr. How are you? I want to go back to page 18 real quickly and ask about the
38 Takoma Park Fire Station because that just went by me really fast, but I just had a
39 meeting with the Mayor last week about the disposition of this project. Can you give me
40 a quick update?

41
42 Tom Carr,
43 I believe as we speak, our folks are at a meeting, that it is the final meeting before
44 notice to proceed, in fact, I think notice to proceed may be issued today.



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Councilmember Ervin,
Okay.

Tom Carr,
So we're making good progress and I think all the issues have been resolved with WSSC and the other issues that have been ongoing.

Councilmember Ervin,
Alright. Thank you. Appreciate it.

Councilmember Andrews,
Good news. Alright. Next is the category projects. These are pretty straightforward. Female Facility Upgrade is moving along. Fire Stations, Life Safety Systems, emergency power system upgrade, resurfacing, roof replacement, these are very straightforward, I don't see any questions so I'll take that as approval. There are some projects being closed out that are described here. The Rockville Station 3 Renovation is moving forward as well. The County has \$500,000 towards that, and Station 3 which is close by to here is moving along and expects to begin the project this spring. I think that hits the major points.

Council President Knapp,
Yep. No questions.

Councilmember Andrews,
Okay. Thank you very much. Our final item on the Public Safety docket this morning is the Public Service Training Academy and the County Property Use Study. We've had a lot of discussions about this, and there are a lot of moving parts here. But the Public Safety Training Academy is a facility that is one of the most important in the County. Heavily, heavily used. It has not been renovated since it opened in any major way since the mid-70s, and the question is really whether, as the Executive has proposed, it should be moved to another location or whether it should continue to operate and move forward on its current site. And then another issue, but not inextricably connected that in the view of the Committee, is the relocation of several other Public Safety facilities and combining them at the General Electric Tech site on Darnestown Road, combining the Police Headquarters, the First District Station, perhaps moving the Board of Elections there, and relocating the Liquor Warehouse that's at Shady Grove now to the existing warehouse on the Finnmark Property behind the GE site. The Committee, and I'll have the folks who joined us for this introduce themselves in just a minute, the Committee is concerned about a couple of the recommendations. I'll go into that in a little bit, but before I do that, let's just have everybody go across the table and introduce themselves for those people listening in.

Al Roshdieh,



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1 Al Roshdieh, Deputy Director for Department of Public Works and Transportation.

2
3 Hamid Omidvar,
4 Hamid Omidvar, Chief of Design, DPWT.

5
6 Tom Carr,
7 Fire Chief Tom Carr.

8
9 Diane Schwartz-Jones,
10 Diane Schwartz-Jones, Assistant Chief Administrative Officer with the County
11 Executive's Office.

12
13 Tom Manger,
14 Tom Manger, Police Chief.

15
16 Jackie Carter,
17 Jacqueline Carter, Manager, Office of Management and Budget.

18
19 Councilmember Andrews,
20 Okay. Welcome, everybody. Let me give Diane Schwartz-Jones, our Assistant CAO, a
21 chance to lay out some thoughts about this project and the latest information that the full
22 Council and the Committee may not have heard. So if there's anything that we need to
23 know that's occurred since our last Committee meeting please tell us, if not, we'll listen
24 to you anyway.

25
26 Diane Schwartz-Jones,
27 Thank you Mr. Andrews. I think that in terms of when we last met, if you're speaking of
28 full Council or you're speaking of the.

29
30 Councilmember Andrews,
31 Well, Committee was just recent but the full Council is probably a month ago.

32
33 Council President Knapp,
34 Yeah.

35
36 Councilmember Andrews,
37 Or so.

38
39 Diane Schwartz-Jones,
40 Yes. And the Council packet did identify that we have a number of studies that we're
41 fully engaged in at this time. One thing I think that it's important to note is that Mr.
42 Leggett's objective in this recommendation, specifically as it relates to the Public
43 Service Training Academy, is to end up with a facility that is better, bigger, and meets
44 the objectives for Public Safety folks for a long time to come, and that is the overriding



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1 objective. And to put it at a location where we are able to satisfy a number of additional
2 benefits as well, policy objectives, one of which, as we've mentioned before, is the
3 ability to help implement the overall vision of the County for the Life Sciences Center,
4 for the Belward, the Hopkins Campus, for the University of Maryland Shady Grove
5 Campus, we think that there's a lot that can happen there, and again, to come up with a
6 better facility than what exists there. What exists there right now is lacking. We all know
7 it requires a tremendous capital investment in order to make it do what it should do, and
8 even then it won't be able to address all of our needs. In order to have it, you have
9 asked specifically about what do you do if, you know, what about doing something
10 onsite, to do something onsite would require clearing of the site in order to do it the right
11 way. And if we're going to clear the site, let's put it at the right place. I mean, in its most
12 basic terms. The studies that we have right now, we have got our traffic studies going
13 on, we have environmental studies going on. As you noted, we are looking and
14 engaged in conversations about the GE site and the Finnmark site. We have got
15 appraisals being prepared and highest and best use studies going on for those. We
16 have asked the City of Gaithersburg and we know that they are very interested in our
17 meeting with them. We would like to have quarterly meetings with the Mayor and his
18 staff. We are engaged with the Town of Poolesville and we also are going to be meeting
19 with the City of Rockville as it relates to the First District. We think this is the right thing
20 to do. We think we can solve a lot of problems. We think we can meet our objectives for
21 years to come. And so we look forward to working with you on it.

22
23 Councilmember Andrews,

24 Thank you. And we are persuaded that you think this is the right thing to do, but we
25 have some concerns about some of the assumptions in it, and perhaps a fundamental
26 disagreement about what the best use of the property is. But one thing I think the
27 Committee did really conclude is that Poolesville is not a viable location for moving the
28 PSTA facilities to given its distance from the rest of the County and the impacts that
29 would have on the access to the facility, particularly, in my view, by volunteers who are
30 already having to commute in order to participate and to take all the training that's
31 required, which is extensive, and which would then put an additional burden on
32 volunteers who would have to go an extra hour in effect round trip out to Poolesville on
33 a regular basis for that training. There are a lot of other issues related to Poolesville that
34 are concerns about the capacity of the Poolesville site itself to accommodate the
35 demands of that kind of more intensive use. So there, we have not, I think I speak for
36 the Committee for sure in that we're not persuaded that Poolesville makes sense and
37 we want to see an alternative to Poolesville as a potential relocation site regardless of
38 whether Poolesville comes back as a proposal because that has not been a persuasive
39 argument to the Committee at this point, and I doubt that given the issues that we've
40 talked about that that would change regarding Poolesville. Councilmember Knapp,
41 Council President Knapp emphasized in the Committee that it's important to have a
42 timeline before the Council finishes this budget. Because we want to really make a
43 decision about the PSTA by the time we wrap up this capital budget. And so in order to
44 do that, in order for the Council to be in a position to make a decision about the PSTA



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1 renovation, we need to know, as accurately as possible, what the timeline is from the
2 Executive's point of view for this study of combining facilities. And we need that really by
3 the end of April at the latest in order to do so.

4
5 Diane Schwartz-Jones,

6 We're going to, we understand that. We have a sequencing plan being put together. We
7 will be bringing it back to you at the end of April as you've requested. And also, to be
8 clear, we certainly have heard you, and we understand you where the Committee is on
9 this, and we are looking at other options as well as you have requested.

10
11 Councilmember Andrews,

12 Right. There, I continue to think that a very good use of the property is a Public Safety
13 use given how intensively used the PSTA property is by so many Public Safety
14 personnel. It really is a location that works for many people, and I will not belabor that
15 point, but I think that there are few, I can't think of any use of a land that is more
16 important than one that serves an essential public safety purpose and this has worked
17 well. We just completed the driver training track there in the last year at a cost of \$6
18 million and that facility is used intensively by many Public Safety personnel for driver
19 training. What is the, what can you share with us at this point about financing of the
20 potential purchase of the GE tech building and the Finnmark site?

21
22 Diane Schwartz-Jones,

23 Well, to be clear, we have to come up with a financing plan, and one of the things that
24 directs our financing plan is our sequencing plan, so once we get our sequencing plan
25 in, we will be able to provide you with our financing plan. We are looking at the options
26 as it relates to financing these facilities. The public use study that we presented to you
27 took into account the land values of the pieces of property that would be in play and the
28 leveraging of these land values, it took into play and into account the funds that were to
29 be allocated to improvements to different facilities and so in coming up with our overall
30 objective to have this be, you know, overall revenue impact neutral, that was the
31 assumption of the study itself. But the specifics of the plan and, you know, whether they
32 would be short term, some type of short term debt to then be paid back by the land
33 sales, that yet has to come together which will follow the sequencing plan.

34
35 Councilmember Andrews,

36 Okay. Alright. Just to summarize the Committee's recommendations on this, we are
37 asking for that study so that the Committee and the Council will have the benefit of it
38 before we make the final decisions on this budget. We affirmed the recommendation of
39 the MFP Committee regarding keeping a PDF for the Broome School which houses the
40 Board of Elections now and which could be moving theoretically to a site on Darnestown
41 Road in combination with potentially the movement of the relocation of Police
42 Headquarters and the First District Station. All of those, none of the Committee
43 members expressed a problem with those facilities being, those uses being relocated to
44 that facility and the same in terms of the Liquor Warehouse seeming like a very good fit



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1 for the moving to the existing warehouse there that is a refrigerated warehouse which
2 our current warehouse is not. So we find those to be meritorious proposals in the uses
3 of that property and do not think that moving the PSTA is inextricably connected to the
4 merits of purchasing, the advantages that would go with purchasing the GE site and
5 using it for those purposes. So I did want to make that clear that we don't see them as
6 inextricably linked. That may not be the position of the Executive Branch, but we see
7 them as, we can see the advantages of that relocation standing alone apart from the
8 PSTA proposed relocation. I'll stop there because I think that gets just to the
9 Committee's recommendations. We'll have to come back to this when we get the
10 timeline.

11
12 Council President Knapp,

13 And the only point I would add, and I think you've captured the Committee's concerns
14 very well, Council Vice-President Andrews, the point I would just put out there is the
15 timeline is not so much as kind of the decision points, but when do we think we can
16 move ahead on the various elements in the proposal? Because so many of the
17 elements that are wrapped up in it have been projected for so long, Liquor Warehouse,
18 Training Academy, Headquarters, First District Station are all things that we've been
19 waiting on and so we need to be able to see, are we within a window of do ability so we
20 can address the critical issues at those facilities or do we need to kind of make a go or
21 no go decision to make sure that we get our employees in the best facilities that we
22 possibly can, recognizing that the perfect is often the enemy of the good and just see,
23 so we've got that in front of us. So I think that's what we're looking to try and get back so
24 we actually begin to make some go or no go decisions as to whether or not we hold or if
25 we have to go ahead with those other facilities as they were previously identified. Is
26 that?

27
28 Diane Schwartz-Jones,

29 And that's the level of detail we intend to bring to you.

30
31 Councilmember Andrews,
32 Right.

33
34 Council President Knapp,
35 Okay.

36
37 Councilmember Andrews,
38 Finally, let me see if Linda McMillan wants to add a word or two.

39
40 Linda McMillan,

41 I just wanted to make sure that the Council understood the Committee's
42 recommendation includes putting a PDF back in the CIP for the Liquor Warehouse so
43 that each of the components would continue to have a PDF that shows in the CIP.



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1 Council President Knapp,
2 Right.

3
4 Councilmember Andrews,
5 Yes. That's right.

6
7 Council President Knapp,
8 Okay. Thank you.

9
10 Councilmember Andrews,
11 Alright. Well, that wraps up the Public Safety Capital Improvements Program projects at
12 least for this morning. Thank you all for coming. Have a good day. Thank you.

13
14 Council President Knapp,
15 Okay. We have one issue remaining to resolve this morning. We have. Oh. Snacks. We
16 have before us Action on a Special appropriation to the Maryland National Capital Park
17 and Planning Commission's FY08 Capital Budget and amendments to the FY07-12
18 Capital Improvements Program - \$4,915,000 for SilverPlace/MRO Headquarters Mixed-
19 Use Project. The source is Park and Planning current revenue. I will turn to
20 Councilmember Floreen to provide the Committee's report in the absence of the
21 Committee's Chair, Councilmember Elrich.

22
23 Councilmember Floreen,
24 Thank you, Mr. President. Some Councilmembers will recall that this has been a work in
25 progress for many, many years, and I'm afraid that we have basically subjected Park
26 and Planning to a certain amount of fiscal whiplash as how we try to figure out how to
27 move this project forward. They are in desperate need of a replacement building, and
28 they have come up with a plan to provide a mixed-use project on the site that would
29 include some retail and, most significantly, a significant amount of affordable housing on
30 the site in conjunction with the full Headquarters replacement. I don't think that this
31 Council has been briefed on this in the past.

32
33 Unidentified
34 Right.

35
36 Councilmember Floreen,
37 But, let me just summarize what the proposal is at this point and you can have at them
38 with your questions. At this point, we have, most of us have received e-mails and
39 communications from various community folks who are very engaged in this process
40 and have concerns, and the Committee took up Park and Planning's current proposal
41 several times. In fact, we've, the PHED Committee has been working with Park and
42 Planning for a number of years on this subject, we've been very much aware of this and
43 knew it was coming along and I believe the full Council has been apprised of it. But at
44 this stage, what we have, are proposing and what Park and Planning proposed is that



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1 they be funded for the purposes of conducting a very intense community charrette that
2 would go, move to rather, very meaningful design documents within the next couple of
3 months. I'm told that they would anticipate these charrettes beginning, being held during
4 the month of May. This would move, and that's what they're proposing here, that we
5 fund them for the amount of \$1,350,681 to be funded by certificates of participation.
6 They will come back to us when the charrette process is complete, they hope July, to
7 ask us for construction money, based on the product of these conversations. We have
8 seen pictures, pretty pictures and the like, I don't know that the full Council has seen
9 them or that Park and Planning brought them with them, but this involves a major
10 conversation between Park and Planning and the community, that has already been
11 engaged in this to a large degree, as to how this building should look and feel at the
12 corner of Spring Street and Georgia Avenue in Silver Spring. I think the PHED
13 Committee basically asked them to do it this way, to come through the process this way
14 so we would retain our supervisory authority over their work and be assured that the
15 product that they came to us for construction dollars on was the one that showed the
16 most significant amount of collective agreement that could be achieved, keeping in mind
17 that there's never 100% buy-in by anybody, but that this would be a meaningful process
18 that would make this project capable of fruition with, as I said, some very significant
19 community participation. So, the community, Mr. Elrich, and I supported this initiative.
20 Mr. Knapp had concerns and was not in the majority.

21
22 Council President Knapp,
23 Okay. There we go. Chairman Hanson do you have something.

24
25 Royce Hanson,
26 I think you have a memorandum from me indicating the importance of this. What we've
27 tried to do to address concerns that have been raised both by communities, and
28 concerns have been raised initially also by the County Executive is to make sure that
29 we are taking a fundamental from the ground up look at what can and should be done
30 here, the things that are fixed are a new Headquarters, and that the housing on the site
31 will be 30% affordable. We need to, what the appropriation request includes is money
32 for the due diligence that's necessary to make sure that when people come up with a
33 consensus approach in the charrette that it will actually fit on the site and can be built, it
34 allows us to look at taking this to a - from the charette to a design concept that will make
35 it possible for us to give you a reasonable estimate on the cost for final design and for
36 construction of the project. We have been working with our private partner on this for a
37 little over a year. We have also been working with the Parking District for an equal
38 amount of time to decide what of the Parking District's land would be available. Not all
39 that we had initially hoped is available to us, but the area alongside the garage will be
40 available. That provides the opportunity for as many as 20 to 25 additional affordable
41 units in the housing part of the project, and we, I think have, our aim here is that this
42 project would be developed jointly as a public, private project, that the entire thing would
43 be subject to review under the CBD zoning optional method regulations so that the
44 entire process, from beginning to end will be transparent. In our initial request that we



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1 had sent to you in November, we had proposed that there be a contingency for cost
2 recovery for the private side of this if the project did not go forward. This proposal that's
3 before you now eliminates the need for that. We have addressed the County
4 Executive's concern about funding in that we are using no current revenues nor
5 reserves for this, but rather lending ourselves the money through our existing cash flow,
6 which would then be repaid by the issue of the certificates of participation once the
7 construction funding is approved. There is one issue that is raised in the staff report that
8 I would address, and that is a question of whether or not to include the 15%
9 contingency. We have that there because we, you know, we're not going to spend any
10 more money on this than we have to to get to a proposal that we can bring to you that
11 we feel is solid and has public support. But if, in the course of the charrette or in the due
12 diligence we run into problems we don't anticipate, we'd like to be able to go ahead and
13 try to solve those problems before we come back to you.

14
15 Council President Knapp,

16 Great. Thank you. There are a number of colleagues, Councilmembers with questions. I
17 just wanted to clarify my position as a member of the Committee. I did vote against it. I
18 had talked with some folks last week about some notions for a potential amendment or
19 some motions. I'm not going to make a motion on anything at this point in time, but I just
20 wanted to put a couple options out there for just a, for perspective. It seems to me there
21 are three things we're trying to do here. One is we need to get a new site for the
22 employees of Park and Planning, the current facility is, I'm not even sure how you
23 describe it, not a place that we want to have people working for much longer. One could
24 argue that they shouldn't be there now. The second is economic development for Silver
25 Spring and the third is an affordable housing component, all of which I think are
26 important. We have, as we have seen with many of the projects that have come before
27 us this morning, have had many fits and starts, and it takes us a while to get things
28 done, unfortunately, and my biggest concern is that given some of the issues that have
29 been raised on the part of the community is, if we go through the charrette process and
30 we don't get to a successful outcome, that what is our plan B. And that's the part that
31 concerns me because it gets us somewhat back to the drawing board. And so I think
32 Ms. Michaelson captured my concern on page three pretty well saying that to the extent
33 that things aren't starting to coalesce or starting to gel, I think it's important for us to
34 know sooner than later because I think we may need to look at other alternatives to
35 figure out what we do to make sure our employees have a place to be that's a better
36 place. And so, not, and not take a lot more time. That is my biggest concern, and so
37 recognizing that you want to do that sooner than later in the process, do you need \$1.4
38 million to get to that point? I kind of question that. I know there are a number of different
39 charrettes. I know that as the Chair has indicated, this charrette is a longer discussion to
40 try and get to the actual design phase which is different than most charrettes.

41
42 Royce Hanson,
43 Right.
44



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1 Council President Knapp,

2 Generally charrettes are to kind of get concepts out for people to get to agreement on,
3 so I understand that's where the additional cost is. So, that's my biggest issue is to
4 make sure that we have some understanding early on in the process as to how this is
5 proceeding so if the Council needs to, in the course of its budget process, take a
6 different approach, then we have the time and the ability to be able to do that. I have
7 had an opportunity to talk to a lot of folks. I have talked to the head of the Silver Spring
8 Chamber, I've talked to the folks representing the private partner that the Planning
9 Board has been working with, I talked to my Councilmember, Council colleague from
10 Silver Spring, I have talked to the other Councilmembers representing at large portions
11 of the Council but also who reside in Silver Spring to get people's perspective. And I
12 understand the role Park and Planning plays in downtown Silver Spring as we continue
13 to focus on our revitalization effort. I still, as I raised this issue two or three years ago
14 and we had a long drawn out discussion, which I wasn't going to necessarily bring all
15 my colleagues through again, but there was, I raised an issue about locating Park and
16 Planning to closer proximity to other government entities. I think we saw, through much
17 of the Clarksburg discussion, that a lot of what we were seeing was a result of the lack
18 of communication between departments and agencies and to the extent that we can
19 have better location and have central coordination and have a place that's closer for all
20 residents to try and get to I thought was something we should try to achieve. I still don't
21 disagree with that perspective but, I mean, the biggest issue I think we have before us is
22 looking at the time it takes us to get construction projects underway and to get things
23 addressed. We have folks working in a facility that is a suboptimal facility to say the
24 least and we need to make sure we have a clear plan to get that addressed as quickly
25 as we possibly can. And so if it looks like things aren't coming to a head pretty quickly
26 as it relates to that plan, I think we need to get something back so we can take
27 appropriate next steps as quickly as possible.

28
29 Royce Hanson,
30 I think.

31
32 Councilmember Floreen,

33 Let me just say on behalf of the rest of the Committee, I do think that we think the
34 fundamental issues have been resolved. This is the facility that's going to happen there,
35 and the only question left is how it's going to look, and hopefully, we'll be pretty close to
36 how it's going to look and feel. The Committee has been very engaged so far. They will
37 be more completely engaged in this process. That's the point really to come up with a
38 design where the community can count on it. That's going to take some cash. And as is
39 evident from the materials, it's, luckily, it's not current revenue. It's not cash that's going
40 to compete with other County priorities right now. So as you say so accurately, it's time
41 to get moving on solving their problems that they've been trying to deal with since I think
42 1990.

43
44 Council President Knapp,



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1 Councilmember Ervin then Councilmember Leventhal.

2
3 Councilmember Ervin,

4 Thank you very much. I want to start by taking a look at this packet for a second
5 because I'm very intrigued by the first page of it where it says Council President Knapp
6 did not support the request and believes the Council should not spend this amount
7 when it is unclear whether a plan can be developed that will be acceptable to the
8 community and there are new potential options for relocation. I find that very interesting
9 that we would stop doing something because there are people in the community that
10 find it unacceptable. When we say community, I'm getting very concerned about this
11 terminology, who is it that we're talking about in this community? I'll come back to that in
12 a second because the County evaluated other sites for Park and Planning as recently
13 as 2003, and Rockville did not even make the short list of options, so let's just start
14 there. We've been here before, I wasn't on the Council at the time, but I served as
15 Councilmember Leventhal's Chief of Staff. I remember these conversations quite well.
16 At a time when Silver Spring just recently lost its bid to bring NPR to downtown, is
17 fighting for appropriations for bringing LiveNation to Silver Spring, this is not a time for
18 us to be looking at taking resources out of downtown Silver Spring and Silver Spring
19 isn't done yet and we can't turn our backs on this, what I believe is a very important
20 economic development project and, you know, I really appreciate what Councilmember,
21 the Council President is trying to do but I think that this is not the time to be giving
22 ammunition to those who would like to see anything else but affordable housing and
23 mixed use development on that site. I think we can work out what the community's
24 issues are in the charrette. That's why we're going to have the charrette. And the idea is
25 to build consensus and to not take resources out. This \$1.4 million is not an exorbitant
26 amount of money, so I would urge this Council to move forward with this Special
27 appropriation. It's extremely important to the future of downtown Silver Spring, and I'll
28 leave it at that.

29
30 Councilmember Leventhal,

31 Thank you. I share the view of the Councilmember from District 5 that Park and
32 Planning ought to remain in Silver Spring. I do have some questions just so I can better
33 understand what's being proposed here. Are these certificate of participation dead
34 instruments, do they count against the County's borrowing cap?

35
36 Patty Barney,

37 For the record, Patty Barney, Secretary Treasurer. Generally, the Park and Planning's
38 debt, we have our own debt model, and this would be with our resources and not
39 County GO debt. I would like to leave those questions to the County Finance Directors, I
40 don't want to step in that particular area, but I don't see Jennifer here.

41
42 Councilmember Leventhal,

43 I don't think they're here. Right. No affect.



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1 Patty Barney,
2 Okay, I've got a comment over here in the back.

3
4 Councilmember Leventhal,
5 Okay.

6
7 Patty Barney,
8 It does not affect the County, and I didn't believe it did because we have our separate
9 resources. It's not GO debt. It's going to be debt that's subject to appropriation. It's
10 going to be secured by this purchase agreement.

11
12 Councilmember Leventhal,
13 Okay. Thank you. That's very helpful. You know, we've all, all of us here have been
14 involved in public debate and in the public sector for a long, long time, Chairman
15 Hanson for quite a while and we appreciate his many years of experience.

16
17 Royce Hanson,
18 I'm getting older by the minute.

19
20 Councilmember Leventhal,
21 Well, we all are. We all are. It's better than the alternative. And so I think Chairman
22 Hanson with his extensive experience will agree with me that consensus is desirable but
23 often not achievable and that's why we vote. And sometimes things have to be settled
24 by a vote. So I hear loud and clear my friend and colleague from District 5's concern
25 that if the Council does not approve this scale back request from Park and Planning that
26 it may lend ammunition to some neighbors of the site who find change scary and would
27 rather not see a larger Park and Planning Headquarters and with the other, with
28 affordable housing and other things proposed to be added. I follow that point very
29 clearly. On the other hand, I have to say that if we're going to spend a whole lot of
30 money searching for the holy grail of consensus, even if it is, and I appreciate the
31 answer to my question, even if it is secured by debt that's separate and we've got this
32 separate funding stream, which helps, I mean, that, you know, when the staff packet
33 says that the Council President didn't believe that the Council should spend this
34 amount, we're not precisely spending this amount. You guys are borrowing it and I
35 follow that and that's a critically important point here. Having said that, how long are we
36 going to wait to get consensus and what's the definition of consensus because there are
37 some vitally important projects in this County and there are some projects in this County
38 that I don't support, but we rarely get consensus. I can't think of many where there's
39 been complete community consensus.

40
41 Royce Hanson,
42 We will be operating the charrette during the month of May. We're going, our current
43 plans are to operate it over a series of sessions. The effort in a charrette, of course, is to
44 try to get agreement on the essential elements that go into the ultimate design. It



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1 wouldn't be unusual to have some participants in the charrette not agree on every
2 element in it. I think it is probably a mistake to assume that there is an entire community
3 that is opposed to any particular aspect of the project. We know that some people have
4 had, and have expressed to us and to you and to others, their concerns about some of
5 the features that were in the initial proposal that was submitted and on which we
6 selected our partner. It's quite clear because of the absence of some of the parking
7 authority land that was included in those initial proposals that the proposal that was
8 initially made cannot be built as proposed. Therefore, we're really starting from the
9 fundamentals. We've got, you know, basically a little over three acres of land to work
10 with, and we're going to try out various alternatives.

11
12 Councilmember Leventhal,
13 Mr. Chairman, very briefly, could I.

14
15 Royce Hanson,
16 And if we don't get to a consensus, we'll vote.

17
18 Councilmember Leventhal,
19 Okay. Let me ask you, because I'm not on the PHED Committee and I've only been
20 peripherally aware of this, what happened to the Parking District acreage? Why is that
21 not available?

22
23 Royce Hanson,
24 The Parking District was unwilling to part with the part of the land that is between Spring
25 Street and the front of the garage. They wanted to retain ownership of that so that if in
26 the future, the garage is redeveloped, they would not be foreclosed from some of the
27 opportunities that they might otherwise have.

28
29 Councilmember Leventhal,
30 And that was a decision made by who?

31
32 Royce Hanson,
33 Well, that was a decision essentially made by the Parking District with the concurrence
34 of the Executive.

35
36 Councilmember Leventhal,
37 Okay. I've been here a while. I think I understand some of these things. Who is the
38 Parking District? Right, I mean, I have been, this is my sixth year here, I've had, you
39 know, some interaction with this. Who is that?

40
41 Carol Lubing,
42 Yeah, Carol Lubing for Park and Planning Commission. The Parking District is a taxing
43 district.



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1 Councilmember Leventhal,
2 Right. I knew that.

3
4 Carol Lubing,
5 Within the County.

6
7 Councilmember Leventhal,
8 Yes.

9
10 Carol Lubing,
11 Within the County. So the decisions would be made by the County Executive.

12
13 Councilmember Leventhal,
14 Okay.

15
16 Carol Lubing,
17 It's set up separately because they have.

18
19 Councilmember Leventhal,
20 So, it was the County Executive.

21
22 Carol Lubing,
23 Maintain separate funding.

24
25 Councilmember Leventhal,
26 Okay.

27
28 Carol Lubing,
29 They have different laws, but it is the County Executive.

30
31 Councilmember Leventhal,
32 Okay.

33
34 Carol Lubing,
35 Who makes the decision.

36
37 Councilmember Leventhal,
38 Alright. Next question. How does this plan for a charrette interact with the County
39 Executive's recommendation that there be some third party review of the overall
40 program?

41
42 Royce Hanson,
43 That is essentially a separate issue. The Executive had suggested that the Council
44 appoint a Committee to oversee the project. We are perfectly content with any kind of



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1 Committee or consultant that the Council wishes to engage or that the Executive wishes
2 to engage. We ask only two things, that, actually three, one that, whatever person or
3 body is appointed be competent to review the design. Secondly, that they participate in
4 or at least observe the charrette process. And third, that if they have recommendations
5 that differ from those that result in the design concept that is presented to the Board as
6 the preferred approach, that we have their comments before we take action so that they
7 could be considered as a part of that so that when we bring you a proposal for final
8 design and funding, we have a specific recommendation for you, and that we have
9 taken into consideration any, not only what comes out of the charrette and the product
10 there, but also any other person or group that has been asked to take an independent
11 look at it.

12
13 Councilmember Leventhal,

14 So let me ask either my colleagues on the PHED Committee or Marlene, am I correct
15 then in understanding that the suggestion made by the County Executive that there be
16 third party review of this project, it isn't going anywhere right now?

17
18 Councilmember Floreen,
19 That's correct.

20
21 Councilmember Leventhal,
22 Okay. I got it. Okay. Last question. What have Commissioners and staff learned from
23 this exercise with respect to the experience faced by those who seek to use their own
24 land, who must come before Park and Planning for approval?

25
26 Royce Hanson,
27 Well, I think we have learned and will continue to learn a great deal out of that process.
28 We know several things, one, that our processes are not elegant. They.

29
30 Councilmember Trachtenberg,
31 [inaudible].

32
33 Royce Hanson,
34 We, particularly with the development of areas that are in our urbanizing areas, we have
35 a major challenge of bringing our own regulations into the 21st century so that they can
36 facilitate high-quality design. Our aim with this particular project is to produce an
37 exemplary design because if we're asking private, entirely private operations, they're not
38 in public private arrangements with us to produce first-rate work, we have an obligation
39 to demonstrate that first-rate work can be done, that it can be done economically, and
40 that it can be done within a system of reasonable regulation. As you know, we are in the
41 process of revising our zoning regulations, and I think we will learn a lot out of this
42 process that will help us in dealing with both our general regulatory process and with
43 our zones that are used in these areas in particular. I think it's going to be, you know,



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1 aside from the value of producing the Headquarters and the housing, I think we're going
2 to get some other very useful information out of this process.

3
4 Councilmember Leventhal,
5 I got to ask this. Do you think it might result in greater humility at Park and Planning?

6
7 Royce Hanson,
8 Well, we try to maintain a certain level of humility and I guess my experience is that
9 additional humility never hurts as long as it doesn't reach the point of humiliation.

10
11 Council President Knapp,
12 Councilmember Berliner.

13
14 Councilmember Berliner,
15 I just want to associate myself with the comments of the District Councilmember. This is
16 a project that's long overdue, and we need to get on with it. I do think it's interesting,
17 and following up on Councilmember Leventhal's observations as to what the learnings
18 will be for this institution. We just went through one in Bethesda where the developers
19 thought that they had the greatest project going, and the community looked at it and
20 said, no, this is wrong. And as a result of that, the project sponsor came back and said,
21 in effect, thank you, this is so much better, we now have a new project that is so much
22 better. In many ways, I look at your experience as having gone forward and said, gee,
23 here's what the architectural design may look like, the community said, well, we don't
24 think so and now you're sitting down with them and having that charrette process. Many
25 of us wish that that process had been more fully energized at the beginning but
26 understand why it couldn't have been and now's the time to do it and make sure that
27 there are the conversations that will allow the community to feel that they are being
28 heard, that they're at the table, that they are participants in their neighborhood's future,
29 and I am convinced that you are going to have that exemplary project. I am convinced
30 that the design is going to be something that you're going to be proud of because, as
31 you say, you have an obligation to be exemplary in every aspect, process and the final
32 result, and I am confident that you're going to fulfill that obligation. So I am very
33 supportive of your enterprise.

34
35 Council President Knapp,
36 Ms. Trachtenberg.

37
38 Councilmember Trachtenberg,
39 Thank you President Knapp. I've been listening with great interest to the conversations
40 about this that happened within Committee and obviously listening this morning as we
41 talk about it here in Council session, and I just wanted to state formally for the record,
42 that I am very supportive of the project because I very much see this as another anchor
43 that needs to be set around the revitalization of downtown Silver Spring, and I also think
44 the bigger issue here is the connection between this project and really the revitalization



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1 that we're trying to envision and act on for the Wheaton corridor north on Georgia
2 Avenue, and clearly, this is also an additional opportunity to promote affordable
3 housing, which clearly is a priority of this Council and of the Executive as well. I think
4 the funding for the charrette process is critical because it's all about the engagement of
5 the community, and my motto on that is that the community really needs to be engaged
6 early and often, and that's exactly what the charrette process will ensure. So again, I
7 just wanted to formally state that I am very supportive of the project, and I do think as
8 my colleagues have indicated, it's time to move forward.

9
10 Royce Hanson,
11 Thank you.

12
13 Council President Knapp,
14 Vice-President Andrews.

15
16 Councilmember Andrews,
17 Thank you. I think it would be useful to break out how much of the 1.3 million would be
18 spent regardless of whether there was a charrette.

19
20 Marlene Michaelson,
21 Well, I'll turn to Park staff to help me with that, but the costs are itemized on page three
22 how the amount that they're asking for is breaking down and certainly the due diligence
23 is part of any development project so they would have to do the due diligence
24 regardless of whether there was a charrette. On the architectural engineering and other
25 professional consultants, I assume some part of that would be needed regardless but
26 some part of it may be exploring options with the community that they may not if they
27 were just proceeding to design. And the funding for the development team and the
28 Commission Project Manager, if this is time spent on the charrette that would not
29 otherwise be spent in design, then it would be unique to the charrette. But again, if you
30 weren't doing the charrette right now, they might just be proceeding directly to design
31 and spending that. And I had raised the issue about contingency which the Chair
32 commented on simply because it's supposed to be short-term horizon and typically
33 professional contracts that are only of a short term duration. I haven't seen contingents
34 used for more so, for longer projects or projects that involve construction funding.

35
36 Councilmember Andrews,
37 Okay. The reason I asked is that it seems to me that it would be misleading if it were
38 depicted that \$1.3 million is being spent on meetings.

39
40 Marlene Michaelson,
41 That's correct. It's far more. There's, I think the intent is that there will be a great deal of
42 certainty when they get to these meetings of what they are able to do on this site so that
43 they are not designing concepts that may later turn out to not be viable, and at the same



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1 time, when they finish this process, they'll be a lot farther along in terms of initial design
2 phase than they would be for a typical charrette.

3
4 Royce Hanson,
5 Right.

6
7 Councilmember Andrews,
8 Thank you. Thanks.

9
10 Council President Knapp,
11 I see no further comments. We have before us the amended appropriations, amended
12 Special appropriation of \$1.385 million to be funded by certificates of participation for
13 the SilverPlace/MRO Headquarters Mixed-Use Project. All in support of this Special
14 appropriation, indicate by raising your hand. That is unanimous. Alright.

15
16 Royce Hanson,
17 Thank you.

18
19 Council President Knapp,
20 Go forth and do good work.

21
22 Unidentified
23 The pressure's on now.

24
25 Royce Hanson,
26 Now the fun starts.

27
28 Unidentified
29 We get five minutes to revel in our success.

30
31 Unidentified
32 I know.



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1 President Knapp,

2 Good afternoon, everyone. The Council is back, and our first two items are Special
3 Appropriations for Current Replacements Modernizations, nearly \$300,000, which is a
4 turf field at Richard Montgomery High School. And then we also have an action on
5 resolution to amend the MCPS FY07-12 CIP, Transfer and Expended Project Balance
6 within the MCPS FY08 Capital Budget. So our first item is a program that was brought
7 to the Board's attention as it related to a unique public private partnership to fund the
8 athletic field at Richard Montgomery High School. As I think everyone is aware, Richard
9 Montgomery High School just recently reopened -- the new high school just recently
10 opened, and the athletic fields are not yet complete. And so a soccer entity -- Maryland
11 Soccer Enterprises had proposed to make an upfront payment of \$300,000 to fund an
12 artificial turf field that would -- they would then have access to use their programs they
13 would also be used to work with Richard Montgomery students to focus on sports
14 management classes and other activities, as well. And, in addition, would provide
15 MCPS and Montgomery County a turf field that could be use more extensively than our
16 typical grass fields, which are generally not used at most of our high schools except for
17 athletic competitions. The Committee has had fair and robust discussion. Council Vice
18 President had a series of questions as it related to turf versus grass and some of the
19 safety concerns, which I will let him talk to in just a moment. But I believe that many of
20 the questions that he had asked were satisfactorily answered, and so the Committee
21 voted unanimously last week to move ahead with the proposal to appropriate the
22 \$300,000 and approve this program as proposed by the Board of Education. I think the
23 one thing that the Committee, the Board, and all I've spoken to have general thoughts
24 about is that this raises a number of potential policy issues that we need to better
25 understand as it relates to the Community Use of Public Facilities, and that this presents
26 us an initial pilot program to begin to understand some of the potential policy
27 implications for turf fields, how many we want to have, if we have them, how are they
28 funded. If they are funded using unique proposals, what are those proposals, how are
29 they structured; and then ultimately how does the interaction between Community Use
30 of Public Facilities and the school system in our broader objective as it relates to after
31 school activities and programming for youth get addressed. And so we, as a Committee,
32 had asked that once we proceed with this and come back in early fall to have a follow-
33 up conversation with ICB and with MCPS to try and talk about what are some of those
34 pieces and how begin to lay those out as a framework moving forward. So I think those
35 are all the pieces. So before us we have the Committee recommendation for the
36 \$300,000, and I will turn to the Council Vice President for his comments.

37
38 Vice President Andrews,

39 Thank you, President Knapp; that was an excellent summary. This really is an exciting
40 opportunity to start down this road to putting artificial fields in our high schools. And I
41 think that is the trend that we're heading towards. And think it actually makes a lot of
42 sense given the cost of acquiring new fields versus utilizing the fields that we already
43 have more intensively. And that is the big advantage that artificial turf presents over
44 natural turf, is the ability to use it essentially all the time, versus grass that must be



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1 rested constantly in between games in order to keep it playable. The demand for fields
2 is very heavy in our County and growing, and this is an unusual opportunity, I think, at a
3 moment where Richard Montgomery is about to build a new field of whatever type, it is
4 the right time to make a decision about what sort of field. And given the partnership that
5 the school has established a system with Maryland Soccer Enterprises, which would
6 contribute \$300,000 to help pay for cost of the field in exchange for access to the field
7 for a significant period of time over a five-year period. I do see this as benefiting the
8 entire community, because it will open up the field to much more use after school, and
9 on many weekends to the school itself, which at this point really can only use the field
10 for games, except for a few other occasions. So this is a -- this is the right time to do
11 this. The costs of grass versus artificial field are roughly the same over a 10-year
12 period. The major difference is it costs more to put artificial turf in. And this partnership
13 with MSE will help finance the up-front cost and the leasing that could occur later on
14 could supplement that. But it will make available to students at the school now access to
15 the field -- to a field that is not currently usable typically after school. Right now many
16 students have to drive to other fields to practice, which isn't desirable either for them or
17 for the locations where those fields are, in terms of taking those out of use for potential
18 other uses. I think that the Community Use of Public Facilities has a good track record
19 of working with organizations that are using public facilities, including school property.
20 And I'm confident after having a chance to talk with Ginny Gong, that they'll be able to
21 do a good job of insuring that this is a lease that is well managed. And I know that
22 Principal Carrasco of Richard Montgomery, who is here today, is very excited about this
23 and planning to integrate this into the school's new sports and events management
24 program. So we'll have an academic component very much involvement outside of just
25 the leasing of the field for soccer, which is also an unusual opportunity. So for all of
26 those reasons, I think this is the right thing to do. And I asked a lot of questions about
27 the safety of artificial turf versus natural turf, and health issues, and I think the evidence
28 is that artificial turf is a safe and in some cases safer, especially if the condition of the
29 grass field is not maintained, as it's difficult to do. So I would urge my colleagues to
30 support this appropriation.

31
32 President Knapp,
33 Councilmember Leventhal.

34
35 Councilmember Leventhal,
36 Well, I want to thank the Committee and thank Essie. This is an issue we got a lot of
37 constituent concern about. And I spent in some time doing some reading, and this
38 packet was very well written and very helpful. And I appreciate Council Vice President
39 Andrews' acknowledging Mr. Carrasco. Would it be in order for me to ask him a
40 question?

41
42 President Knapp,
43 Sure. We can do that.



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1 Councilmember Leventhal,
2 Mr. Carrasco, could you join us? Mr. Carrasco, being a principal of a high school is like
3 being the mayor of a city. And he has been overseeing an enormous, major
4 construction project over the last few years, and he's had ups and downs, and mostly
5 triumphs, and some high highs, and a few low lows. But this is a threshold issue in
6 terms of my support for this special appropriation, and I really want to ask you directly,
7 are you confident, because I know that the health and safety of your students is a
8 primary concern for you that this artificial turf field is athletically appropriate, medically
9 safe, and environmentally sound?

10
11 Moreno Carrasco,
12 Absolutely. We started the research about three years ago because we had the vision
13 to really enhance the academic programs for our students. As you know, while we're
14 experiencing a lot of changes and demographics, and we want to enhance the offerings
15 for our kids, because we have a mandate to make sure all of our kids are successful.
16 And one of the jobs of the principal is really to come up with programs that are going to
17 engage students in meaningful learning opportunities. And so we have this vision of this
18 sports and event management program. And as we research the topic we discovered
19 that a natural grass field would just not hold for us to do what we wanted to do with our
20 kids. And so the question then was how can we get a field that's going to withstand the
21 use and is going to really recover, as Vice President Andrews said, you know, it's just
22 the frequency of use is really -- doesn't allow for the natural grass to rest. So we did a
23 lot of research in terms of who has done this before. So we contacted people in the
24 area, also we contacted colleges and universities, some -- originally the Ravens
25 recently put a field in. And we basically found that the users who actually put these
26 fields in have found it to be much safer than natural grass, and also environmentally
27 friendlier than natural grass. When you talk about the amount of fertilizer and grass that
28 it takes to maintain a field, and even with all those expenses the conditions of the field
29 are average at best. And so we really saw this as a really win situation on all sides. And
30 my main concern, to be honest, was the safety of the kids. I would never put our
31 students in a situation where we know that it's not going to be safe. One of the largest
32 studies conducted was the Penn State University, and they had an allegation that this
33 particular field was transmitting certain biological diseases. And they conducted an
34 extensive study and determined that it was not related to artificial grass.

35
36 Councilmember Leventhal,
37 Let me ask you about MERSA. We had a briefing a few months ago in the Health and
38 Human Services Committee about MERSA. Do you take precautions at Richard
39 Montgomery with your athletes with your your athletic equipment, not only once this field
40 is installed, but with respect to other athletic equipment inside the building?

41
42 Moreno Carrasco,



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1 Absolutely. The gymnasium, the weight room, and every piece of equipment in the
2 school, we have certain procedures that we follow to make sure that diseases are kept
3 to, you know, the chances of transmitting of disease are kept to a minimum.

4
5 Councilmember Leventhal,
6 And the need to shower and be sanitary, hygiene issues are transmitted to athletes?

7
8 Moreno Carrasco,
9 One of the findings that they found at Penn State was more that is was more an issue of
10 hygiene than anything else in terms of transmitting diseases.

11
12 Councilmember Leventhal,
13 And you communicate with your athletes about that at RM.

14
15 Moreno Carrasco,
16 Absolutely.

17
18 Councilmember Leventhal,
19 All right, well, Mr. Carrasco, I thank you for your leadership and than you for answering
20 these questions.

21
22 Moreno Carrasco,
23 Thank you. Are there any other questions?

24
25 President Knapp,
26 Thank you for doing this -- Council Vice President Andrews?

27
28 Vice President Andrews,
29 Thank you very much, Councilmember Leventhal, for those questions. Those are good
30 ones. And I just wanted to add that one of the other questions I asked was -- wanted to
31 determine was whether the installation of the field would have any effect on community
32 use of the track, because many people in the community like to -- enjoy running or
33 walking around the track. And I understand the track is going to be around the practice
34 field, not around the artificial field?

35
36 Moreno Carrasco,
37 That's right.

38
39 Vice President Andrews,
40 So there won't be any inadvertent effect in limiting access to the track as a result of
41 doing this, and I was pleased to here that.

42
43 Moreno Carrasco,
44 That's correct.



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1
2 Vice President Andrews,
3 Thank you.

4
5 Moreno Carrasco,
6 Thank you.

7
8 President Knapp,

9 Very good. Further comments? Staff, anybody from MCPS? Okay. All in support of the
10 Committee's recommendation for the \$300,000 in the current Replacements
11 Modernizations Schedule, please raise your hand indicating yes. That is unanimous
12 among those present. Thank you very much. And I would just note that our colleague
13 Councilmember Floreen is absent down in Annapolis testifying, and Councilmember
14 Elrich is still under the weather. So that's why we are down to just 4 of 6 right now. Our
15 second item for the afternoon is the resolution to amend the MCPS FY07-12 CIP, and
16 the magnitude of -- we are -- the request would move \$9.3 million from the seven
17 projects that have been identified to unliquidated surplus and move \$10.363 million from
18 un-liquidated surplus to two other projects facing cost or scope increases. If you look at
19 the packet on page 2, you can see a chart indicating where the projects are coming
20 from, and then to where the projects are going to. The from-projects, we had a good
21 discussion with MCPS staff on this as well. When these projects were initially identified
22 in the CIP there was -- not that there's a lot less volatility right now in the market, but
23 there was even more volatility anticipated at the point when these were identified. And
24 so once these projects were actually put out to bid, as we saw somewhat of a
25 slackening in the demand in the commercial market that these bids actually came in
26 lower than anticipated, which freed up some resources to the tune of about \$9.3 million.
27 The projects that they are going to -- Bells Mill Elementary School, Cashell Elementary
28 School, Walter Johnson High School and Richard Montgomery High School, Clarksburg
29 Number 8, are all in a situation where they are looking at additional costs as a result of
30 a number of items. In particular, Clarksburg Elementary School Number 8 there are
31 plans to upgrade the project to lead status going back to the model that was used for
32 Great Seneca Creek Elementary School and Little Bidet Elementary up in Clarksburg;
33 Bells Mill looking at the resources there following the Council's action from -- previous
34 Council's action. The additional 950 is needed on contingency cost at Cashell, Walter
35 Johnson the 580,000 is needed for the project to cover the cost of re-locatable. If
36 anyone's been down there -- what do we have 47 -- 45 relocatables currently in place
37 there. And then we have the remainder of the resources for the athletic field that we just
38 voted for the previous appropriation on. And so I would turn to see if any colleagues
39 have any questions or if staff has any particular elements there? Okay, Councilmember
40 Berliner.

41
42 Councilmember Berliner,



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1 I just wanted to quickly commend the school system on the Bells Mill project for
2 incorporating geothermal. It's something that I think we need to do across the board.
3 And grateful that you did so in this project.

4
5 President Knapp,
6 Okay. And we will vote in just one second. Anybody from the school system have
7 anything they would like to share? Hold on. All in support of the recommended
8 movement of the funds from the seven projects unliquidated surplus and the funding of
9 the additional projects indicate by raising your hand. That is unanimous among those
10 present. Thank you very much. We now turn to the MCPS Capital Improvements
11 Program for FY09-14. And I would invite the Board. We have a number of folks with us
12 today -- Superintendent and staff to come join us. We are graced with the presence of
13 the President of the Board of Education, Ms. Nancy Navarro; the Vice President, Shirley
14 Brandman; Dr. Judy Docca, another Board Member. I think that's who we have from the
15 Board, right? Okay. And for the benefit of our viewing public, if everyone would just --
16 not that they don't already know who you all are, but for the benefit of those who might
17 be watching and may not, introduce yourselves so they know who is on TV.

18
19 Nancy Navarro,
20 My name is Nancy Navarro and I'm the President of the Montgomery Board of
21 Education.

22
23 Shirley Brandman,
24 I'm Shirley Brandman, Vice President of the Board of Education.

25
26 Judy Docca,
27 Judy Docca, a member of the Board.

28
29 Jerry Weast,
30 Jerry Weast, School Superintendent.

31
32 Joe Lavorgna,
33 Joe Lavorgna, Director of Facilities Management.

34
35 James Song,
36 James Song, Director of Division of Construction.

37
38 President Knapp,
39 Very good. We have a very thorough packet put together by Essie McGuire and Keith
40 Levchenko. I thank you very much for your thorough work in this. What my plan was is
41 just to begin to walk everyone through the various elements that the Committee
42 reviewed. What I would first do is turn to the President of the Board and see if she had
43 any opening remarks.



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1 Nancy Navarro,

2 Thank you very much. I would like to thank the members of the County Council for your
3 support of our capital budget initiatives. I know we have had already a number of work
4 sessions with the Education Committee. I also want to thank the members of the Board
5 of Education for a very thorough analysis and a lot of back and forth into what we would
6 submit to you. And of course we never have opportunities to hear from the public for
7 less projects. Most of the opportunities that we have to hear from the Public is about the
8 immense needs that are out there throughout our County. In general, our FY 2009 CIP
9 Budget request is of \$266 million, and \$1.497 billion for the FY 2009-2014 CIP. As you
10 know, I did testify that in January, Dr. Jerry Weast and I went to Annapolis to the Board
11 of Public Works, and we testified to urge the State to provide at least \$55 million, and
12 we're still working and hoping. And in terms of just a broad general look at our request,
13 we have about \$200 million for increasing capacity. We have \$400 million for
14 countywide projects, as well as \$900 million for modernizations. We look forward to
15 answering any questions. We have here the folks who are quite the experts of all of the
16 intricate details. And thank you so much for having us today.

17
18 President Knapp,

19 Thank you very much. Okay. What I will start then is beginning on page 3 and start to
20 walk through the overview of the Board of Education request. Obviously there's a lot of
21 detail if this packet, and I have no doubt that Councilmembers will have questions. And
22 so to the extent that I can enlighten you as to the thinking of the Committee, I will be
23 glad to do that to the extent that there are specific requests as to how the Board of
24 Education has certain assumptions they have made or issues have been presented on
25 the part of our Council staff. I will turn to the various and appropriate folks to answer
26 those questions. If you look beginning on page 3, there is a quick overview. The '09-'14
27 request is 23% increase over what the amended FY07-12 CIP was. If you look at table
28 one at the bottom of page 3 you can see how that rolls out over what was approved
29 previously and what the new request is. In this request all approved projects are kept on
30 schedule with the exception of Paint Branch High School modernization, which will be
31 delayed by one year to August 2011, which provides some additional capacity; nine new
32 elementary school addition projects; 81 new classrooms; reopens one new school in the
33 Down County Consortium of McKinney Hills; reduces the scope of improvements at
34 Redland and Ridgeview middle schools from what previously had been identified within
35 the CIP; includes additional funding for a number of systemic projects including HVAC
36 roofs, PLAR, and others; and includes new initiatives in the school security systems and
37 technology modernization program. Questions on the overview of the numbers for the
38 upcoming request for this next year, the request from the board is \$266,603,000, and
39 you can see how that plays out over the remaining six years. You can see that what has
40 been recommended by the Board differs from what has been identified by the County
41 Executive. The County Executive in his recommendation included \$266 million for this
42 year, and then starts to depart from what had been recommended by the Board of
43 Education beginning next year with about a \$25 million differential less than what the
44 Board had requested increasing to \$48 million less in FY11, and then coming back to



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1 \$38 million less in FY12. If you look on page 5, you can walk through the various
2 funding sources identified as to bonds, current revenues, state aid contributions and
3 others, and how that plays out over the course of the 7, 8, 9, 10, 11, and 12 years. The
4 one modification that the Committee did make is that the Executive had assumed a
5 small amount of revenue, \$400,000, over a six-year period associated from developer
6 payments for school projects consistent with the AGP. The Council staff recommended
7 removing this revenue since it's unknown in advance what if any amount will be
8 collected. So we didn't assume that \$400,000. That's probably the biggest change we
9 made in that. If you look within the spending affordability, the County Executive's
10 recommended CIP is consistent with the Council's October 2, 2007 actions; however,
11 obviously, he has recommended an undesignated reduction of \$75 million and hasn't
12 identified where those come from. The Council's [inaudible] is increased by about 9%
13 over last year -- or the Executive's bond fund MCPS recommendation is about 26-1/2%
14 greater than the amended CIP. From a macro perspective, enrollment -- official
15 enrollment for 2007-2008 is 137,745 students, which is 53 students fewer than last year,
16 but and I forget, but more than had been anticipated. And what we're about 600 more
17 than what had been anticipated for this year. So while it's less than last year it is only 53
18 less where we expected it was going to be about 600 to 700 students less coming into
19 this year. Birth rates are historically high. We had 13,806 births in Montgomery County
20 last year. And so while we had continued to see some declining enrollment in middle
21 and high schools for the next, I believe, four or five years, there is an expectation that
22 the rates will continue to increase in the years beyond that. Are you doing all right so
23 far, staff? Alright. Questions on enrollment? Okay. Annual Growth Policy as we had
24 identified in our Growth Policy where it replies to requests for residential subdivisions
25 has been filed by the Planning Board since January 1, 2007, and the test looks to
26 project enrollment capacity in the sixth fiscal year of the CIP period, which for this
27 purpose is September 2003 for the current test. If MCPS is programmed capacity in a
28 cluster is projected to exceed 120% in the sixth year of the CIP then the Planning Board
29 must not approve a residential subdivision in that cluster during the upcoming fiscal
30 year. If you look on page 8, staff has put together a table, table 3, that outlines the
31 annual growth policy test to those schools that fail at the 120% test, and those that fail
32 at the 105% test. In the 120% test, Clarksburg Middle School and Clarksburg High
33 School are two areas that need to be addressed, and are not yet in this CIP, but is
34 something that we have on the horizon that needs to be addressed. And then we have a
35 number of elementary school clusters, including BCC, Clarksburg, Kennedy, Richard
36 Montgomery, North West, Quince Orchard, Rockville, Wheaton and Whitman that will
37 fail the 105% test by 2013; and then Clarksburg Middle and Clarksburg High School and
38 also Wootton High School joins that list. As relates to State aid, the Board President
39 indicated that she and the Superintendent have gone down and testified. As I
40 understand it right now, we have 29.3 million that has been identified for -- oh, we're up
41 to 40 now. So we're up to 40, but we had anticipated to get to the \$55 million range.
42 And I believe there's \$33 million left to be allocated at the State level, of which we're
43 hoping that the remainder -- half of that will go to Montgomery County. That's probably a
44 very hopeful request, or hopeful, hopeful thought, but we'll see how that plays out. If you



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1 look at the table midway through page -- midway down page 8, you can see that our
2 assumptions for State revenue or State aid are 50 million for next year, and 40 million
3 for the years beyond that. And that is consistent. The Executive had increased from the
4 40 to the 50 million for this year. If you look on page 9, you can see where we stand as
5 it relates to the State aid history. It's important, I think, to remember that this is expected
6 to be a shared obligation, fifty-fifty. As you can see on the list, going back to 1998, we
7 have the amount for eligible projects, and we got close a couple of times, and we
8 actually exceeded in one. It was FY01 where we actually got more than was requested
9 in that year. I'm assuming that was to -- right, from the projects that we had forward
10 funded previously. So you can see this year we have \$132 million, another \$133 million
11 of eligible projects. And as I said, we're hoping to 55, which would still remain about, not
12 quite \$80 million left unfunded, which would then fall to the County to assume to the
13 local funding agent entity to assume that resource if we choose to do so. So I know
14 everyone here on each side of the dais has been talking to the various members of the
15 delegation to encourage them to continue to find as many resources as they can for
16 school construction. I thank everybody for their advocacy, because we need as much
17 help as we can get in that respect. Forward funding of projects, we have done a fair
18 amount of that over the last 10 to 15 years, which is good, but it does kind of leave you
19 exposed to some degree. We have some projects that have been forward funded that
20 we need to make sure actually are covered this year. This year they need to be covered
21 with bond funding. If near not funded this year by the State, then they have to be paid
22 out of current revenue. Is that direct?

23
24 Keith Levchenko,

25 Right, after the time period elapses, you can't -- if we bond fund them in advance, they
26 cannot then be repaid with bond funds.

27
28 President Knapp,

29 Once a certain period has elapsed

30
31 Keith Levchenko,

32 Right. And that's why they're the highest priority on the State aid request this year is
33 those projects.

34
35 President Knapp,

36 So that's must something we should have -- we have that covered now with the \$40
37 million that we've go identified, but it's just something that we need to keep in mind
38 going forward, as we forward fund projects that's a risk that you run. I may have Keith
39 walk you through the State aid reversions, because I'm not sure I can actually fully go
40 through that. Basically, we never -- even though we get funding from the State, looking
41 at contingency costs and other costs, we don't get to keep anything that effectively -- if
42 we don't spend everything for a specific school project, we don't get to keep it here and
43 apply it to another school project; it reverts back to the State. And there a number of



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1 resources there that are still kind of outstanding from 1991, but you may want to explain
2 that better than I just did.

3
4 Keith Levchenko,

5 The approval each year is not actually a check that is cut us to. The school system
6 builds their projects and sends those bills to the State. The State goes through an
7 approval process for that, and inevitably, we don't get a 100% of what the award was.
8 So there are reversions that take place. Those have to be replaced with local resources.
9 And those have piled up over time. The school system has taken some measures over
10 the last several years to minimize those, but there will always be some. But to deal with
11 the backlog, the Board of Education last fall approved a plan to utilize 8 million in
12 surplus MCPS dollars as a one-time hit on this to draw this down, with the Executive --
13 with the intent that the Executive would allocate a similar amount. And I did just talk with
14 the OMB staff before the meeting that within the Executive's FY09 recommended
15 budget is the first of a three-year plan to pay down this balance. So at least as
16 recommended, we're beginning to address this issue.

17
18 President Knapp,

19 I see no questions? All right. School construction costs. This was obviously a topic of
20 significant conversation within the Committee as to get a sense especially as we look
21 across CIP projects throughout county government, and looking within the school
22 system to see if we are experiencing similar cost increases, and the answer is yes. Cost
23 increases are averaging approximately 20%. And if you look at the chart on page 11,
24 about midway down the page, it shows what the building construction costs per square
25 foot have increased to since FY02. And just as an anecdotal discussion, I have talked to
26 a number of our colleagues who belong to the Council of Governments just to see if
27 they are experiencing similar activities, and they most definitely are. I talked to one of
28 the members of the Board of Supervisors in Loudoun County, and they recently got some
29 preliminary estimate backs on a new high school that they are looking for at
30 approximately \$40 million. And so that's an issue that they're wrestling with. And I've
31 talked to a couple of folks in the construction industry, and they recall fondly the days
32 not so long ago when you could build an elementary school for \$4.5 million, and we're
33 now up into the \$20 million range. So everybody is experiencing it, and it appears as
34 though we're not immune. And if you look at the paragraphs just below that, recent bids
35 for three elementary schools -- Bells Mill, Clarksburg Damascus and [inaudible] and
36 Cashell, were about 12% higher than the projects bid just six months ago. And so we're
37 continuing to see that in real time. In the relocatable classroom reduction plan, the
38 Superintendent with then Council President Leventhal, who had raised this actually the
39 year before, put us on a plan to begin to reduce the number of portables throughout the
40 school system. If you follow through this, you can see we currently have 566 relocatable
41 classrooms serving a variety of purposes with the 45 we already discuss at Walter
42 Johnson High School, which is part of their modernization program. The remaining 462
43 units are spread across elementary, middle and high schools using to address
44 capacity issues, or some daycare space. And if we continue to follow the Board's



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1 proposed CIP, we will reduce the number from 452 to 260, or a reduction of nearly 45%,
2 which I think is a significant element that we would like to try and keep on track if at all
3 possible. Staff has actually done a nice synopsis on page 12 of the notion of relocatable
4 classrooms versus permanent space. Obviously we all want to see permanent space
5 and having real bricks and mortar for our students to attend class. Although there are
6 some reasons to have relocatables in short-term situations, which makes sense to
7 address real capacity issues in that amount of time. But the one thing that is interesting
8 is the cost of portables actually versus the cost for bricks and mortar actually merge
9 after about 10 years or so -- 10 or 11 years. And so it's important to recognize that while
10 they may be shorter -- they may be more cost effective in the long term, the longer you
11 keep the portables the more those costs actually kind of -- or the more the savings
12 diminish. Prioritization of projects; both the Board and the Committee have tried to take
13 an attempt to if you're going to prioritize and figure out which gets funded and how it
14 gets funded, what's the best way to do it. The Board's five education priorities are listed
15 at the top of page 13, and include as number one, critical health and safety projects;
16 two, capacity projects; three, capital maintenance projects; four, modernizations; and
17 five, gymnasium projects. During the Committee's review of the capital projects, Council
18 staff suggested that the following prioritization approach consistent with the Board's
19 priorities above be considered. Obviously, identified critical health and safety projects or
20 pieces within specific projects. Review capacity-related projects not yet under
21 construction, and consider the projected short- and long-term utilization rates at the
22 school. As you will see later one of the proposals that staff had provided to us was to
23 look at a prioritization within those capacity projects as a potential way to look at
24 savings within the CIP if the Council so chose. And so you will see that even within the
25 capacity-related projects of prioritization, if you will, of those elements so that we
26 actually look at those that are going to address real space issues first, and those that
27 could be addressed through boundary changes or other things kind of falling lower to
28 the line, or they could be addressed with portable classrooms. Capital maintenance
29 projects assumed to fund these projects, at least at existing levels and possibly ramp
30 them up if that's doable. Modernizations are already prioritized, many of which are
31 already within the CIP, and so already have an order, which we can follow there. And
32 gymnasium projects are the lowest priority. And they tend to -- obviously we want to as
33 we look at after-school programming and various activities -- I know that
34 Councilmember Berliner has this, I know Councilmember Leventhal, as well as looking
35 at physical education and looking at childhood obesity issues certainly to have gyms at
36 every school. And if we continue on the pace that we're on, I believe within the five
37 years -- five or six years we actually will have the entire gymnasium program put in
38 place, which means we'll have them for all elementary schools.

39
40 Keith Levchenko,
41 That's correct.

42
43 President Knapp,
44 Okay. Councilmember Berliner?



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Councilmember Berliner,

When you're through with your overall summary, if you are, Council President. I don't need to comment on this point specifically, but if you were through with your overall summary?

President Knapp,

Okay. Well, what we'll too is now jump into the review of the specific projects, and so -- .

Councilmember Berliner,

If we could before that, insofar as the County Executive had proposed a reduction from the School Board number of approximately 75 million, and I read with some interest Dr. Weast's response to that. But I felt before we get into the nitty-gritty, if you could speak at that level of your five scenarios as to how you would meet the County Executive's budget numbers, and the five scenarios that you identified in your suggestions as among those five scenarios, if this Council were to seriously consider the County Executive's reductions; if that's alright.

President Knapp,

No, we can do that. We can do that now, and then it will set the stage for looking at the other pieces as we walk through the specific projects, you can see where they fit within that framework and then look at what the Committee staff had recommended, and we can look at that. I think that's a good baseline.

Jerry Weast,

If I might, I'm going to let Roger -- I'm going to let Joe talk.

Joe Lavorgna,

Okay. In terms of the five scenarios, it was looked that a number of ways as to what combination of projects could bring the costs down in the CIP. Two of them looked at high school modernizations, and staggering them, or delaying them.

Councilmember Berliner,

And I assume that if you -- may I assume that's because they are such big-dollar items that you can delay one high school and that that would in effect achieve that 75 million as opposed to -- .

Jerry Weast,

And they're in the proper year.

Councilmember Berliner,

Right.

Jerry Weast,



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1 You've got have the correct amount, proper year.

2
3 Councilmember Berliner,
4 Right.

5
6 Joe Lavorgna,

7 The -- both elementary schools and middle school modernizations rely any holding
8 schools. High schools are done on site, so there are no holding school constraints on
9 the schedule for high schools. There are significant funding restraints when you're
10 looking at \$40 million in one year over a couple of years for a high school
11 modernization. So you can't stack them up and have any capacity left in your CIP. We
12 looked at delaying elementary modernizations. We looked at delaying capacity projects,
13 all the addition projects that are in the CIP, as well as delaying high school
14 modernization. So those are basically the three moving pieces. To that end, if you look
15 at the capacity projects, \$200 million of a \$1.5 billion CIP, all of the funding for the
16 capacity projects falls within the first four years of the CIP. So if the goal is to remove
17 \$75 million overall in six years, you have to take those capacity projects and bump them
18 at least three years to create capacity within the CIP. In doing that you bump up against
19 your annual growth policy constraints. If you delay elementary modernizations, you
20 cascade multiple projects, because our holding school facilities are choreographed if a
21 way where the projects rely on the previous project being completed to move the next
22 school in to the holding school. So elementary school projects, once you bump them,
23 and you can bump them, but the dollars you get from bumping the elementary projects
24 you have to move them back at least two years to get some real dollars in the CIP. High
25 school modernizations, again, big dollars, and you can move one without impacting the
26 other. In fact, the Board's recommendations that came over to you have already
27 delayed the modernization of Paint Branch by one year. The scenario that comes
28 closest to meeting the Executive's expenditure levels would delay Paint Branch another
29 year, and delay Gaithersburg, Wheaton, and Seneca Valley a year each, as well.
30 There's another scenario that would bump some of them two years. But that would end
31 up with taking out more money out of the CIP than would be needed to meet the
32 Executive's recommendation.

33
34 Jerry Weast,

35 There are a couple of things that you have to also play in mind. With the elementary
36 classrooms, and getting rid of the mobile classrooms, you've only got just two- or
37 three-year window to do that, because the kindergarteners are coming in record
38 numbers now because of the birth rate. And so the smaller classes are more or less in
39 middle school and high school. And as they age out and the numbers come in at the
40 middle school -- I mean at the elementary, we'll be up to 10,000 to 11,000 kids per
41 class, per grade level. And so it's your only chance to do that. So we looked at that
42 when we were looking at these scenarios. Another thing, and the President -- .

43
44 Councilmember Berliner,



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1 I almost hesitate to ask you to say anything again, given that you don't seem to be of
2 great health, but run that piece by me again. What are you saying? You're saying that if
3 we want to reduce the relocatables.

4
5 Jerry Weast,

6 You have about 600 relocatables, you got down to about 400 and some; in order to take
7 those out of service, because they're going to cost more if you keep them in service
8 than a hard-sided classroom, you've only got a window of three or four years to really
9 make a dent in it, because the elementaries are going to start filling back up again. We
10 had gotten down to 8,000 to 9,000 per class in the elementary a few years ago, and the
11 big classes, 10,000 to 11,000 were in the middle and high school. This year we went
12 back up to 9,000, almost 10,000 kids at the kindergarten; the following year -- next year,
13 it's projected will be up to about 10,000. After that it just keeps on going up. And that's
14 because the birth rate has gone from about 11,000 to 12,000 to 13,000 to 14,000. So
15 we've got a narrow window of opportunity; that's one problem we have. The second one
16 is the hidden problem and that is Clarksburg. It is -- you saw it a minute ago. That's the
17 one where you're going to be at major capacity. That one is not in here. The CIP doesn't
18 address anything in that Clarksburg area. And we'll be coming in next year and it's
19 about an \$85 million problem. And there it's strictly capacity. There are just no schools.
20 And it's just really difficult not to address that. So when you take a look at the
21 elementary and the getting rid of the mobile classrooms, take a look at Clarksburg
22 coming in, out of the five scenarios that we and the PTA and everybody worked on, the
23 only one that works is one that I find very, very hard to recommend, and that is the
24 deferral of those high schools. That's the only one that works monetarily. And then three
25 things occurred also between the last CIP just a year and a half ago, and this CIP; and
26 those are regulatory things that make about a \$200-plus million change in this CIP up;
27 the reforestation, the storm water management, the lead, add about \$200 million to the
28 overall CIP.

29
30 Councilmember Berliner,
31 Thank you, sir.

32
33 President Knapp,

34 Okay. I see no further questions. So if you go back to the packet beginning on page 14
35 with the bulk of which is actually on 15. It's a list of individual school projects that are
36 already under construction, and there's no change in scope or timing. And are under
37 construction with expenditures concluding in FY09 or FY10. I'm not going to read
38 through the list, but you can see the pieces that are there. Any questions on any of
39 those? Good. Apparently everything is proceeding well, then. Going to page 16, we
40 have countywide projects with no cost change or minimal cost changes. These are
41 those things we've got to do to maintain our buildings -- ADA compliance, asbestos
42 abatement, energy conservation, fire safety code upgrades, rest room renovations, roof
43 replacement, water and indoor air quality improvements. We have made increased
44 investments over some of these over the last couple of CIPs. I think we all recognize



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1 that we would like to put more into any of these, but with the other challenges that we're
2 looking at, to at least keep these evenly funded so we continue to make progress.
3 Doesn't mean we are actually staying even, because as I pointed to you earlier, with
4 20% cost increases that correlates to all of the costs that we're seeing or the vast
5 majority of the costs that we're seeing, and so you'll see that percolate through here too.
6 So obviously we're not doing as much in these by keeping these number flat as we
7 would have been with these same numbers a couple of years ago. All right. No
8 questions? Okay. Then we go to the countywide project review. And the new initiatives
9 that were brought forward were school security systems. And I think it might be worth
10 while to have -- Joe, if you want to just kind of walk -- walk us through that we new ones
11 are, if you could, just for clarification for Councilmembers.

12
13 Joe Lavorgna,
14 On the school security issues -- .

15
16 President Knapp,
17 We'll do school security and then tech mod, and then -- .

18
19 Joe Lavorgna,
20 There are basically three types of issues that we're looking at for school security
21 systems. One is cameras for middle schools. Second is replacing cameras at high
22 schools with current systems. We're also looking at for other schools a visitor
23 management system basically for elementary schools that allows card swipe access to
24 the front and back doors, with video camera identifications, so folks can come in. In
25 addition, there's a visitor access system that allows us when folks come in into a school
26 through their secure front door, to check their I.D. to see if they are a registered sex
27 offender, if they have proper reason to be at the school. So we're looking at that type of
28 security to be added at our elementary schools. The cost of this is an additional million
29 per year, because there was already 500,000 per year in the security system. This
30 would address all of our middle schools, begin to replace cameras at our high schools,
31 and provide the access systems at all of our elementary schools. So that's the -- that's
32 the crux of the initiative at the -- for security systems in the school. Let me stop there.

33
34 President Knapp,
35 Okay. I don't see any questions on that. Go ahead and jump into tech mod and the
36 changes that we're seeing there.

37
38 Joe Lavorgna,
39 Okay. Tech mod?

40
41 President Knapp,
42 Yeah.

43
44 Joe Lavorgna,



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1 If you look at -- its on circle 57 in the packet, but basic tech mod has not changed.
2 That's the refresh program to refresh computers. What we're looking to do is to improve
3 the -- and I'm a little bit out of water on this one, but a thin-client kind of access for -- to
4 sort of multiply the ability of computers to work together in classrooms. With that, we
5 can serve more kids; kids can do more things at our schools. Also part of it is the middle
6 school forum where we're looking at putting in the interactive boards. And if you've seen
7 the demonstration of the permekian [inaudible] boards, I mean, it is -- it's whiz bang, but
8 it's also very effective for middle school kids to interact in that environment. And we're
9 looking to add more schools through the tech mod program to provide these interactive
10 boards.

11
12 President Knapp,

13 I would just add if Councilmembers haven't seen those yet in action, I would urge to try
14 to get to a couple of schools. I was at Martin Luther King last Thursday, I believe it was,
15 with Vice President Brandman, and a number of students were using them and showing
16 how that interactivity really improves their classroom enhancement. And it's pretty
17 impressive. I mean there's a lot of stuff that we do sometimes you just sit there and say
18 wow do you really need that technology to accomplish that type of outcome. And this is
19 one of those things where it actually has a pretty significant impact and you can see the
20 students really engaged in a way that I don't think they would be otherwise.

21
22 Joe Lavorgna,

23 And we're doing a lot of training of teachers so that once the equipment is there; it's
24 being used effectively in those classrooms. Just on the side, I've got a fiend who is a
25 teacher who brought us in the on sort of the first day of school as a guinea pig to say,
26 you know, can you use this? And it was, like, wow. When you can incorporate Internet
27 and Face Book and all of the things kids are familiar with, it really clicks, and engages
28 them, and that's what we're trying to do.

29
30 President Knapp,

31 And so as a part of the middle school reform initiative each of the schools that are
32 eligible for middle school reform, which we started with 5, and we are adding -- we
33 expect to add -- well, we had anticipated -- a problem with the budget -- an additional
34 10; there are 18 permekian [inaudible] boards that go with the school being eligible for
35 the middle school reform -- next stage of middle school reform.

36
37 Nancy Navarro,

38 President Knapp, I want to just interject that of course when the Board of Education had
39 to go through all of these pieces, most certainly this particular proposal with the
40 permekian [inaudible] boards jumped out at us, because what you were describing, I
41 mean you really, truly have to go in to see it. It really does address more than just
42 having only one particular tool at your hands to incorporate so many different things. But
43 one of the things that I noticed and a lot of Board members noticed is that it also helps
44 with the issue of differentiation, as well as students who may be shy to raise their hands



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1 and be singled out because they've been, you know, record. So it really does go a long
2 way. And we're very mindful of the fact that it's just a tool; it's not supposed to replace
3 instruction or content knowledge. But we really felt that this was a worthwhile
4 investment.

5
6 President Knapp,

7 Good. Thank you. And then the only other new thing we've added in this category of
8 kind of new initiatives is the ability and modification of program improvements. And it's
9 probably helpful just to explain how that fits relative to the other things we're already
10 funding in a modernization program, and other various upgrades of the facilities activity.

11
12 Joe Lavorgna,

13 Because our modernization schedule is spread out, and our programs change, there
14 are needs to modify buildings, incorporate program improvement into our buildings. And
15 if a school is on a modernization schedule, we take care of it that I time of
16 modernization. If not, we have to go in and make modifications to buildings such as
17 science labs. In the first two years of this plan, the majority of the funds are going for
18 creating labs. And because more students are taking more AP courses and more
19 science courses, multiple science courses, we're having to increase the number of
20 science labs in our schools. So to do that there is no other way of doing it other than
21 having a project that allows us to go in and make those modifications. Some are
22 science lab. Some are Cisco labs. Some are multimedia labs. Some are -- whatever
23 they are, they're all part of the curriculum that needs to be in the building, but as the
24 building is not ready for it right now. So we are doing a number of modifications like that.
25 And high schools are primarily the recipients of those projects in this year's [inaudible].
26 There are some program improvements such as a kitchen modification. Roger's not
27 here. But at -- Bradley Hills, that's right. So there are -- it may be considered, I won't say
28 a catch all project, but it's needed to make program improvements as we move along.

29
30 President Knapp,

31 Okay. No questions? Then we move into document other countywide projects. And I'm
32 just going to touch on these. If Councilmembers have perspectives or either questions,
33 and then we'll pause. But design and construction management; fairly separated
34 forward. There were actually two -- there are 38 positions funded through this for the
35 design and construction management program. Two new positions were added
36 because of the lead certifications that we're now focusing on, and to be able to
37 accommodate all of those new activities. Facility planning PDF; fairly straightforward. It's
38 looking at the projects that are feasibility studies -- in here -- out of interest FY09
39 requests includes funds for feasibility study for the auditorium at Sligo Creek Elementary
40 School and Silver Spring International Middle School, Blair Auditorium. I see no
41 questions. HVAC replacement, pillar and roof replacement. They are what they say they
42 are, and important projects to maintain. Improve safe access to schools. There's a
43 nominal increase in that program. School gymnasiums we touched on briefly. And you
44 can see that it's a fairly, in the overall scope of the CIP, a fairly nominal amount to keep



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1 these programs on track. And water and indoor air quality; this is obviously an area that
2 has gotten increased attention over the past couple of years, and has rightly, I think,
3 required a lot of additional resources, which we have focused on; and has also been
4 rolled into other capital improvements at various facilities. And then you move into the
5 modernization PDFs, beginning on page 22, and the PDFs are on circles 77 through 78.
6 As indicated, the Board's request would delay Paint Branch High School by one year,
7 with a new completion date of August 2011. Depending upon how we want to approach
8 it, we would push out other mods. One of the things that staff, I think rightly, pointed out
9 is while capacity is an important issue for us to look at, and we'll look at further, the
10 modernizations have had PDFs and have been included in the Capital Budget. And
11 there is some expectation, I think, legitimately that the projects that have included mods
12 are going to be moving in some type of sequence, some kind of order, and will actually
13 occur, since they've actually been included in the Capital Budget previously. One of the
14 things that staff has put together for us, If you look at the chart on page 23, it shows if --
15 Keith, why don't you walk us through this -- or Essie.

16
17 Essie McGuire,

18 This chart on page 23 shows the schools assumed to be completed in the FY09-14
19 request, and shows based on that pace the overall pace of modernizations for the
20 different levels of schools. And as you can see, this comparison yields an overall pace
21 of 50 years between modernization for high schools, but 71 for elementary schools, and
22 76 for middle schools, which is considerably longer.

23
24 President Knapp,

25 And so I just -- I think that's an important point to look at. Even with the request we have
26 in front of us for \$266 million for the upcoming year, you still have a pace that has
27 remained fairly unchanged over the course of recent history. Then you have individual
28 school projects reviews. I may, at this point, actually have you guys walk us through the
29 elements for here. Northwood High School; do you want to walk -- walk us through the
30 individual schools; if you would.

31
32 Jerry Weast,

33 I don't want to say anything worse. You get a lot of folk that would come to your
34 hearings, and people with a great deal of emotion, and people who feel like that they
35 have really been hurt because they have been taken out of the queue, or they have
36 been delayed. And I think that one sentence right there sums up why. When you have
37 to wait 50 years for a high school, or 71 for an elementary, or 76 for an elementary,
38 there's a lot of emotion if they see that there could be a delay, defer, or, you know,
39 taken out of the queue. And I try to remember that when they're really angry, and I hope
40 that we all do.

41
42 President Knapp,

43 The one point I would raise here before Keith undertakes this, or Essie, is I think we all
44 on the Committee you were very impressed, in particular at the level of outreach that



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1 these three schools I'm going to talk about next used to really reach out and work with
2 the MCPS and with the community, but in particular, Redland Middle School really
3 worked very well, I think, with the Board, worked well with MCPS staff, and I know it
4 reached out to a number of Councilmembers to really show how by working together
5 you can actually achieve a pretty successful outcome. And so I think it's a model that we
6 kind of point other folks to, because advocacy and advocacy for individual schools is
7 something that each school kind of learns on its own. And I think the way Redland has
8 approached this was very, very productive, and has reached an outcome, I think, at
9 least the conversation I've had with the school and folks --.

10
11 Nancy Navarro,
12 Mr. Knapp, I just also want to commend Paint Branch High School, because they were
13 very diligent and very constructive in their advocacy as well for a situation that has been
14 truly difficult. So I just wanted to point.

15
16 Council President Knapp
17 Agreed. Thank you. So, Mr. Levchenko.

18
19 Keith Levchenko,
20 Okay, the first of the three we're going to talk about is Northwood High School. This
21 school reopened in August 2004. Previous to that it was the County's only high school
22 holding facility. So once it did open that required that all the future high school
23 modernizations would have to be done with the students onsite. That solution was put in
24 place to deal with over-utilization at Blair High School. And the school was opened
25 relatively quickly. It was not a -- there was not a modernization done of Northwood, it
26 was just reopened with some work done prior to it opening and with work continuing
27 after it opened. And as you can see, the project has crept up in cost over the years.
28 In fact, last year there was a special appropriation approved by the Council to deal with
29 some vehicular and pedestrian access, and at the time MCPS indicated that they were
30 also considering additional work to be phased in over the next couple of years to
31 address some of the key issues that had been raised by the community. And in fact, we
32 have a chart in the packet on circle 87 that indicates those improvements that were
33 prioritized and those items that would be done with the FY09 and FY10 request that's
34 before you today. But in short, it's been a long -- the reopening didn't take very long, but
35 the reopening work has taken a long time. And staff did feel that in terms of
36 prioritization, because it's been an ongoing project for some time, and the need to
37 address those issues at that school, especially in the context to the fact that it's in the
38 Down County Consortium and has to compete favorably with the other high schools in
39 that area, we did feel it was a priority, as long as the Committee was comfortable with
40 the work that was identified for the next two years.

41
42 President Knapp,
43 Okay. No questions?



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1 Councilmember Ervin,

2 Just a comment. I -- the Committee had a lot of conversation about advocacy at the last
3 work session, and I just want to say, also, I commend the Northwood community again.
4 But also there are some other schools in the down county that have had a very difficult
5 time in the transition between reopening, and one would have to be Silver Spring
6 International Middle School, which was the former old Blair High School, and so I know
7 that this Board has been very diligent in its support of those communities. And I -- again,
8 I want to thank the Board and the Superintendent and his staff for being so open to
9 listening and then acting on behalf of those communities. We have the Old Blair
10 Auditorium in the PDF in the CIP, I'm very appreciative of that, because we know we've
11 been trying for nine years to respond to the needs of that community regarding the Old
12 Blair Auditorium. So I feel like we're moving in a really positive direction. I want to thank
13 the Superintendent and the Board for listening. We appreciate it.

14
15 President Knapp,

16 Okay.

17
18 Keith Levchenko,

19 The next two projects I think are useful to talk at least somewhat in tandem -- Redland
20 Middle School and Ridgeview Middle School. Both projects are far from any future
21 modernization, but did have a number of significant issues related to their original
22 building designs as open space classrooms. They've had some incremental
23 improvements over the years but had a number of issues that were identified and had
24 been studied and been in design, in fact, for the past couple of years. However, these
25 two projects were both reviewed by MCPS and ultimately by the Board, and the scopes
26 were reduced or recommended for reduction in both projects because -- and schools
27 can speak to this. If you're not careful as you go through a school and start
28 incrementally adding more and more requirements come into play. And what they didn't
29 want to do was end up with two de-facto modernizations. So they did have to decide
30 where to draw the line with these projects. And ultimately as the Board was able to work
31 with both communities to identify that, Redland, I think, is a little further along in terms of
32 scope. Ridgeview, they still have some more work they need to do to prioritize. But
33 these reflect reduced levels of effort from what was assumed in the approved CIP.

34
35 President Knapp,

36 Okay. No questions? Thank you very much. And then we have the Piney Branch pool
37 issue.

38
39 Keith Levchenko,

40 Alright, this was discussed by the Committee at the last work session. I know it's one
41 that Councilmembers Elrich, Ervin and Leventhal had been working on with MCPS, the
42 Department of Recreation and the City of Takoma Park. There is no project --
43 recommended project before the Council today. But because there is some work going



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1 on that ultimately lead to a project, the Committee wanted to discuss it last week, and
2 it's probably useful to have some comment on that today as well.

3
4 President Knapp,
5 Councilmember Leventhal.

6
7 Councilmember Leventhal,

8 Well I just want bring this to the attention of my colleagues. I know that at least those
9 who were present at the Silver Spring town meeting recall some of the students at this
10 elementary school. And let me just state clearly one of the students at this elementary
11 school is my son, Francisco. I actually had a conversation with the County Attorney's
12 Office as to whether the fact that my son attends this school means that I am affected
13 uniquely or differently from the general public, and I don't want -- and the answer is no. I
14 mean, we've all had kids in public schools, every single member of this Council. This
15 and the Old Blair Auditorium both represent neglect of a County asset. And we have
16 large problems in the Capital Budget, and this is a small problem in the Capital Budget.
17 And we won't be able to solve our large problems; we've got many large problems that
18 won't be solved. And there are going to be a lot of small problems that may or may not
19 be solved. But the reality is that we have this asset and it's neglected. And whether we
20 will address it or not is up to the will of this body. The City of Takoma Park will be
21 meeting with me and with representatives from Councilmember Ervin's office; I think Mr.
22 Elrich's office will be sending staff as well. He has in prior meetings. This \$1.6 million
23 estimate, that's referenced on page 26, is only if the pool is completely separated and
24 secured so that it's not accessible from the rest of the school. This estimate came from
25 a joint discussion between the school system and the Rec Department. The Rec
26 Department said that it could make the facility more available for public use if there were
27 no access to the school. There are obviously security issues if any member of the public
28 can just walk into the school and use the swimming pool. The cost just to renovate the
29 pool is not listed here in the packet, but it's substantially less. It's something like a half-
30 million dollars just to renovate the pool. At one time this pool was used as a facility for
31 students at Piney Branch Elementary School. It was -- and it was not unique. I mean
32 there are a number of elementary schools in the District of Columbia that have
33 swimming pools. It just happens that this is the only elementary school in Montgomery
34 County that has swimming pools. And when I've raised this with the school system, their
35 answer has been elementary schools don't have swimming pools. Of course, this one
36 does. So it's a problem. It's a problem that we face. It's an asset. It belongs to us. I
37 think, if I'm not mistaken, there's only one member of this Council who owns a
38 swimming pool, and he knows that maintenance of a swimming pool is a big pain in the
39 -- in the rear. And it's expensive. In this case, the school system has decided to shut it
40 down and neglect it. And I don't blame them. Costs are high and the Capital Budget is
41 tight. But we've all heard about this from our constituents and I just bring it to my
42 colleagues' attention. I'm not offering anything today. I am meeting tomorrow again with
43 two colleagues in the City of Takoma Park. We're going to continue to see what



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1 solutions may be available, what cost-sharing options may be available. And so that's
2 as much as I have to say on the matter today.

3
4 President Knapp,

5 Okay. All right. Moving along. Thank you. We now move into capacity projects, which
6 we touched on briefly earlier. If you look on the top of page 27, we have two approved
7 capacity projects that were submitted as part of the amendment process last year --
8 East Silver Spring Elementary School addition, and Takoma Park Elementary School
9 addition. There are no cost increases requested for either of them. And they are
10 scheduled to open August 2010. And so you see an age combine they add about 24
11 additional classrooms. If you look at -- further town that page, new classroom addition
12 projects. And these are new to the Capital -- proposed Capital Budget this year. And
13 you can walk through each of them and see the amount of classroom capacity that is
14 added at each of the schools. You will see fairly divergent costs associated with each of
15 those, and that's because in addition to classroom capacity, there are additional
16 activities that may be undertaken at each of the schools depending upon the status of
17 the school and other activities that may be needed to just make the surrounding
18 environment suitable for the additions. Any specific activities -- anything you want to
19 mention here, Keith?

20
21 Keith Levchenko,

22 Well, it depends, and I think this gets at some of the difficulties MCPS has in estimating
23 these projects. Going in, they're not always sure how much systemic work they will have
24 to do that will kick in with regard to regulatory requirements when they do these
25 additions and connect these additions to the existing school. So they do sometimes
26 have to estimate conservatively that they will have to do a fair amount of work. In some
27 cases with the transfer projects we talked about earlier, in fact, they were able to avoid
28 having to do some of that work at this time and save some money, and that was used to
29 transfer to other projects. But that is the reason why you see you can't divide the work
30 by the number of classrooms and come up with a cost per classroom that is apples to
31 apples. You have to look at the scope of each project.

32
33 President Knapp,

34 Okay. I see no questions. There are a certain number of modernizations that added
35 significant capacity, and you can see those on the top of page 28. How many -- a
36 number of these were in the CIP already, so I don't know how these -- .

37
38 Keith Levchenko,

39 Well, they were all in either the current or the future modernization. This shows this
40 Board requested schedule here.

41
42 President Knapp,

43 Very good. Councilmember Berliner?



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1 Councilmember Berliner,
2 Just the observation that I believe you may have made previously, and certainly staff
3 has alluded to, and that is as we go through the reconciliation process it does seem to
4 me to make inherent sense that modernizations that are adding significant capacity get
5 a priority with respect to that.

6
7 President Knapp,
8 Very good. Okay. I see no further questions on those. Reopening of closed schools,
9 McKenney Hills reopening is slated to open in August 2012, according to the Board's
10 request. And then there are a series of clusters that have no new requests, and you can
11 see the list of that on the top of page 29 -- B-CC, Damascus, Gaithersburg, McGruder,
12 Richard Montgomery, Northwest, Poolesville, Quince Orchard, Rockville and Seneca
13 Valley. Doesn't mean there aren't things -- and you can see along the comments that
14 there are already projects slated for each of those clusters, just no new additions -- no
15 new requests. Clusters or major capacity projects in the FY09-14 period are identified
16 on the bottom of page 29.

17
18 Keith Levchenko,
19 I think just to describe this charge, the -- for each cluster and for each school level what
20 staff did was include the capacity that you would have at the end of the CIP if all of the
21 schools under construction were completed, but no additional projects were added. So
22 for instance, the Churchill cluster, the very first item at the top. If you complete the
23 projects under construction at the elementary school level, you would have about 104%
24 utilization rate. If you then also go forward with the Board's request for the elementary
25 schools in that cluster, including modernizations and additions, you would then achieve,
26 based on their enrollment projections, about a 93% utilization rate. So that's how you
27 read that number. Similar to middle schools, you go from 101 to 95; and high schools,
28 because they don't have any capacity projects in that cluster, you see the number for
29 the under construction in the Board of Education columns. And I think one thing I just
30 highlighted here was to repeat the Clarksburg cluster had some issues at all three levels
31 that, in most cases, dwarfed the other clusters.

32
33 President Knapp,
34 Yeah.

35
36 Keith Levchenko,
37 So that's why you've heard from the school system that they have additional needs that
38 they expect to bring forward, if not next year then for full CIP in two year.

39
40 President Knapp, 94
41 Continue to walk us through your chart on the next page, if you would.

42
43 Keith Levchenko,
44 On page 31?



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1
2 President Knapp,
3 Yeah.

4
5 Keith Levchenko,
6 Unfortunately there's probably too much information on this chart. But to break it down,
7 it shows each cluster where there are capacity improvements. And it shows for each, for
8 instance the Churchill cluster, again, you can see the individual school projects that are
9 occurring, the -- in the school column, you see the utilization rate at that school
10 currently, and then with the -- you see then the cluster utilization rate at the top. And
11 then I've added the -- I've shown the seats that would be added. And then you see the
12 cluster utilization rate, for instance in Churchill, as you saw in the previous chart, it goes
13 from 104% to about 93%, because you're adding about 200 seats. What this tries to do
14 in one chart, and perhaps it just can't be one chart very effectively, is try to walk through
15 -- it's an attempt to show in one place how you could view the impact of the different
16 projects both in terms of the school itself, but also in the cluster. And begin to develop at
17 least from the pure utilization standpoint some ideas of how you would prioritize among
18 these different projects. I think it is important to note to step back a bit and note the
19 Board of Education's preferred utilization rates are in the 80 to 90% range. So in most of
20 these cases we're talking about utilization well over 100%, and trying to bring it down to
21 about the 100% level. In some cases you get below that and the initial blush may be
22 wow we're doing great, we're at 94%. But that's still near the top of or pretty much at the
23 top of where the Board would want to be in that cluster. So it's important to note that as
24 staff identified here, all of these addition projects have merit to them. In some cases
25 they're bringing utilization rates way down, especially at a particular school; and in the
26 cluster, while it may appear that they're bringing them down below a 100%, that's what
27 they're trying to achieve. They're trying to get within that 90% range. However, with that
28 said, if we're not able to fund all of the addition projects, utilization is one of those
29 criteria that can be used to try to determine, well, what they were most important ones
30 that we definitely want to try to fit in, and which other ones either could be deferred,
31 perhaps with relocatable classrooms to provide a short-term solution, or perhaps down
32 the line if enrollment patterns change, perhaps the need for the addition could be
33 softened a bit, or school reassignments could be done. So that's the intent of this chart.
34 And I did note some just preliminary conclusions on page 32, where I noted just based
35 on these utilization patterns, the initial conclusions I reached regarding the highest
36 priority projects. Not surprisingly, the first is an elementary school in Clarksburg, to try to
37 begin to deal with the utilization issues there; Fox Chapel Elementary School addition.
38 Also you have a slew of projects in the Down County Consortium that are needed just to
39 bring utilization in that consortium down to 102%. You have the Carderock Springs
40 modernization, which actually is providing a significant capacity boost in that -- in the
41 elementary school area for that. And then Garrett Park Elementary School another
42 modernization, which is providing some needed capacity in Walter Johnson. So those
43 immediately sprung out when looking at the utilization rates. Then you have whole slew
44 of other projects, which I've talked about here, which are somewhat below that. And the



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1 Committee had asked MCPS to come back with its comments as well, which we've
2 included in the packet, both as italics notes in the memo itself but also as their full
3 comments in the back of the packet, to try to explain some of the difficulties they would
4 have in terms of dealing with some non-capital solutions here. And they've identified
5 some of those. And in most cases, I think, what they would most likely consider if these
6 additions were not approved was to continue the use of relocatable classrooms, at least
7 in the short term, given the fact that they would have to otherwise do multiple school
8 reassignments in some cases over great distances to try to address that issue. And in
9 some cases create fairly unbalanced elementary school population levels; for instance,
10 having 700 students at three schools and 400 at another, which creates some problems
11 as well especially if they're in high-impact areas. So as you would expect, there's no
12 silver bullet here. But just in terms of trying to identify the highest priority based on
13 utilization, staff did provide this as advice to the Committee.

14
15 President Knapp,
16 Councilmember Berliner,

17
18 Councilmember Berliner,
19 Thank you, Keith. I just need a little help with the chart. As you say, it does have a lot of
20 information, and I want to make sure I understand that the information you've provided,
21 in part, is the cluster results of adding these classrooms. I confess that in my
22 communities, people care about their school. So if we had capacity at 150%, and
23 somehow the additions that were added brought the cluster down to 90%, I promise you
24 I would still hear from those folks that had capacity of 150%. So I would be interested in
25 knowing what the additions do for the capacity numbers that we see in any of these.
26 Okay? So at an elementary school where we're showing -- goodness gracious, in
27 Rockview Elementary School 157% capacity. And we are going to add, as I appreciate
28 it, to that school what?

29
30 Keith Levchenko,
31 184 seats.

32
33 Councilmember Berliner,
34 184 seats; and the result of that will be what in terms of that elementary school's
35 capacity?

36
37 Keith Levchenko,
38 Well, just looking at this chart, and the enrollment obviously -- .

39
40 Councilmember Berliner,
41 Will I know that from looking at this chart?

42
43 Keith Levchenko,



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1 You can -- let me answer that two ways. First, the deficit is 192 seats. So they're roughly
2 going to get at about 100% utilization.

3
4 Councilmember Berliner,
5 Got you. The deficit -- that's in the deficit -- .

6
7 Keith Levchenko,
8 That's in the deficit column from the right.

9
10 Councilmember Berliner,
11 And when you say deficit, that would take it to what?

12
13 Keith Levchenko,
14 The 157% -- .

15
16 Councilmember Berliner,
17 100%?

18
19 Keith Levchenko,
20 Yeah, the 157% is in the sixth-year of the CIP, and that relates to the 192-seat deficit to
21 the right. They're recommending a 184-seat addition. So they're roughly -- that number
22 would roughly come out to about 100%. Now there are other things they may do. They
23 may change the use of some of their classrooms. There may be some very modest
24 enrollment adjustments that may occur, but my guess is they're going to be at roughly
25 100% at the end of the six years.

26
27 Councilmember Berliner,
28 And should I assume, for example, when I'm looking at an East Silver Spring
29 Elementary School addition, which is only 81 seats below achieving 100% level that
30 their desire to add 184 seats means that we are projecting significant growth that we
31 need to accommodate?

32
33 Keith Levchenko,
34 Well there they are going to be doing some school reassignments. There are some
35 [inaudible] schools issues, so that's actually solving an overcapacity problem at a
36 neighboring school.

37
38 Councilmember Berliner,
39 All right. Then I look at Takoma Park, which has a similar ratio -- .

40
41 Keith Levchenko,
42 Same thing.

43
44 Councilmember Berliner,



March 18, 2008

1 If you will, 177 -- so if I see those types of numbers then I should assume that
2 something else is going on?

3
4 Keith Levchenko,
5 Yeah, if the seats added are far greater than the deficit, you can be sure they're trying to
6 solve a multi-school issue there.

7
8 Councilmember Ervin,
9 But for the Councilmembers that aren't on the Ed Committee, I think it would be a good
10 idea to sort of describe what's happening at East Silver Spring, Takoma Park, you
11 know, Piney Branch, what we're trying to accomplish with those.

12
13 Joe Lavorgna,
14 Those are paired.

15
16 Councilmember Ervin,
17 Paired, I know that. I know that.

18
19 Joe Lavorgna,
20 You know that.

21
22 Councilmember Berliner,
23 She knows that; you know that; apparently there's some among us that -- .

24
25 Joe Lavorgna,
26 I'm sorry. But the paired schools are K-2 and 3-5, Piney Branch being the upper school
27 for that pairing; both East Silver Spring and Takoma Park feed into Piney Branch. They
28 have two K-2 schools feeding one 3-5 school. That is a very awkward arrangement, so
29 the plan will be to have only one school, Takoma Park, feed Piney Branch. East Silver
30 Spring will become a K-5 school. So we will have to reassign students to fill East Silver
31 Spring and to balance enrollment between Takoma Park and Piney Branch. And the
32 one you mentioned previously, Rockview, will get relief when we open McKenney Hills
33 so we'll be able to take some students out of Rockview to get them down to the 95%
34 level rather than over 100%. So there are a number of interrelated things that happen in
35 our CIP. Some are related to mods, some related to additions, some related to opening
36 of schools.

37
38 James Song,
39 I think it's also important to clarify that both East Silver Spring and Takoma Park project
40 is to alleviate some of the over-utilization at Sligo Creek Elementary School, as well as
41 Takoma Park.

42
43 Councilmember Berliner,



March 18, 2008

1 One of my spiritual leaders, [inaudible], says, everything is interdependent, is what I
2 hear here. Okay, got it.

3
4 President Knapp,

5 Okay. Thank you Keith that's helpful. So as you can see how Keith has laid out, if you
6 were to choose looking at capacity projects as a way to try to make reductions in the
7 CIP, Keith and Essie have gone through and kind of prioritized how they would
8 recommend us approaching that. MCPS, the Board and the Superintendent have
9 provided us feedback as to why those might not work as well as perhaps they look on
10 paper. So I think that's helpful. And they have in the italicized comments kind of
11 encapsulated what the broader comments MCPS has provided further back in the
12 packet; so we can look at that as something for us to explore as a possible scenario
13 depending upon where we are with the broader CIP. The other piece that we have laid
14 out, which I think if you look in pages 35 through 37, are a series of tables that lay out
15 the effect of delays and modernization programs, looking at the total modernization
16 program, elementary school, middle school and high school. Probably the most
17 significant think that these four charts show you is you obviously get the biggest bang
18 for the buck looking at the high school modernization program, given the fact that high
19 school mods are in the \$100 million range. So that if we are looking to try and do that,
20 depending on what number we are trying to achieve, if we need to achieve any number,
21 then that is the place you get the biggest bang for the buck. Although, as we said
22 earlier, given the fact that those modernizations programs were included within the CIP
23 previously, there is a level of expectation on the part of those communities that there is
24 some thought that those would be proceeding and they kind of knew of a timeframe in
25 which they would be proceeding. So recognize that that will be an issue that we'll need
26 to address. And so if you look at the bottom of page 37, staff recommendations, really
27 lay out two -- first, make reductions to [inaudible] and addition projects based on the
28 priorities discussed earlier; and second, to further the high school modernizations one
29 year beyond the Board's proposed schedule. The Committee took as its action, or at
30 least decision, that given the fact that the CIP that has been laid out by Dr. Orlin
31 included the Board of Education's request as the baseline he was using for his
32 calculations to include that as a part of our discussion, recognizing that we have options
33 before us as we now have these items competing against the other items more broadly
34 captured within the CIP. And so that we will take a look at all of those pieces in some
35 context, and I think with all of the projects that we have within the CIP, we can either
36 choose to include them, choose to delay, whatever the decision. And so we now have
37 all of the Board's requests in front of us as well with strategies about how to reduce
38 various amounts if we need to. I would just turn to Committee members to see if they
39 have anything to add if I've missed something in the course of discussion.

40
41 Councilmember Leventhal,
42 I don't think you did. You did a very good job.

43
44 President Knapp,



March 18, 2008

1 Okay. Other Councilmembers? I don't see any questions. Did I miss anything from the
2 MCPS side? Staff? All right. Then that's a wrap for this. The one piece I would lay out is
3 we have now, with the exception of libraries, which we need to come back to and will
4 next Tuesday -- not next Tuesday, the two weeks from now -- April 1st -- is we will -- I
5 will work with Dr. Orlin to put together a Chairman's mark, a President's mark, if you will,
6 that won't by any means get us within the range of the \$100 million variable window that
7 Dr. Orlin has indicated that we need to. But we'll try to take the things we've heard from
8 the Committees, from individual Councilmembers, and try to begin to pare it down into
9 something that is manageable. And then we will have a committee work session on the
10 morning of April 8, in which we will start to go through that list and begin to make some
11 of the choices that we need to get us to the right numbers to fit within our spending
12 affordability guidelines, and in particular the next two years, so we know what's actually
13 being funded and move ahead. And so that is the plan for right now. My hope is that --
14 let's see we've got next week as a recess week that we will have information sometime
15 by the mid to later part of the following week, so that would be the week of our public
16 hearings. So probably about like Thursday of that week for Councilmembers to begin to
17 explore that and begin to look at some of the different scenarios that we've laid out, and
18 begin to kind of put pieces together as to what is or isn't captured and what is important
19 to each Councilmember. So that's the plan to move forward. With luck -- and with luck,
20 on April 8, we'll make tremendous progress. And so we'll see where that goes. But if
21 people have questions or thoughts, don't hesitate to let me know or let Dr. Orlin know,
22 as we move forward. And I thank MCPS for their assistance in pulling this together. I
23 thank Essie and Keith for their packet. And I thank the Board for their continued
24 advocacy. And look forward to what is sure to be a very exciting next couple months.
25 Okay, the Council is adjourned.